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Monday
April 19, 1993

Briefings on How To Use the Federal Register
For information on briefings in Independence, MO, and Washington, DC, see announcement on the inside cover of this issue.

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THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

INDEPENDENCE, MO

WHEN: April 27, at 9:30 am
WHERE: Harry S. Truman Library
U.S. Highway 24 and Delaware St.
Multipurpose Room
Independence, MO
RESERVATIONS: Federal Information Center
1–800–735–8004 or
1–800–366–2998 for the St. Louis area.

WASHINGTON, DC

WHEN: May 12 and June 15 at 9:00 am
WHERE: Office of the Federal Register, 7th Floor Conference Room, 800 North Capitol Street NW, Washington, DC (3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

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Reader Aids
Additional information, including a list of public laws, telephone numbers, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Federal Register
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Monday, April 19, 1993

Presidential Documents

Title 3—

The President

Proclamation 6545 of April 14, 1993

Pan American Day and Pan American Week, 1993

By the President of the United States of America

A Proclamation

Five hundred years after the first Europeans began exploring the Americas, it is appropriate to reflect on our hemisphere's unique role in this rapidly changing world and to rediscover the peoples of the Americas. On Pan American Day, the people of the Americas pledge to renew the ties that make our relationship unique. We cherish our hemisphere's proud history as we look forward to a new era of cooperation between our countries and cultures.

We have seen remarkable changes around the globe. The defeat of totalitarianism and the sweep of democratic and free market reforms have brought new opportunities and new challenges to the world. Progress toward political, economic, and social change has been dramatic in our own hemisphere.

From North to South, more and more citizens of the Americas are enjoying the benefits of liberty. Fundamental principles of democracy, including respect for human rights, continue to be embraced. It is our hope that all nations of the Americas will join in this democratic revolution and at last realize the dream of a hemisphere of democratic nations.

The need for international cooperation is greater than ever, because we face many difficult issues in this era: drug trafficking, weapons proliferation, and environmental degradation. Through a renewed partnership between nations of this hemisphere, we can develop innovative means to combat such problems, thus ensuring lasting security for future generations.

A century ago, representatives of the nations of this hemisphere met in Washington to establish the International Union of the American Republics. Accepting the principles of democracy, peace, security, and prosperity, these member nations made a firm commitment to mutual cooperation throughout the hemisphere. Its successor, the Organization of American States, has furthered this commitment. In the words of the Charter of the Organization of American States, "[the] historic mission of America is to offer to man a land of liberty." I applaud and encourage the activity of the Organization of American States in this pursuit to ensure that worldwide changes create a hemisphere of peace and prosperity.

We can take great pride in what the Americas have already achieved. But there is much work to be done. All Americans from North to South should renew their commitment to fulfilling our forefathers' vision of an inter-America system. The hemisphere of George Washington and Thomas Jefferson, of Simón Bolívar and José de San Martín, establishes an example of freedom for the rest of the world. With democracy as the cornerstone of a new working partnership, we can achieve a revolutionary level of cooperation among the countries of America.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Wednesday, April 14, 1993, as "Pan American Day" and the week of April 11 through April 17, 1993, as "Pan American Week." I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and officials of other areas under

the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred and ninety-three, and of the Independence of the United States of America the two hundred and seventeenth.

William J. Clinton

[FR Doc. 93-9255
Filed 4-15-93; 4:20 pm]
Billing code 3195-01-P

Rules and Regulations

Federal Register
Vol. 58, No. 73
Monday, April 19, 1993

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 93

[Docket No. 27262]

High Density Traffic Airports; Slot Allocation and Transfer Method

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Statement of policy.

SUMMARY: This policy statement is issued in response to a March 22, 1993, letter sent to the FAA by the Air Transport Association (ATA) on behalf of its members. In its letter, ATA expresses its concern about the closing of several High Density Traffic airports due to severe weather conditions on March 13–15, 1993, and the impact of the airport closings upon slot utilization requirements.

EFFECTIVE DATE: April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia R. Lane, Manager, Air Traffic and Airspace Law Branch, AGC–230, Regulations Division, Office of the Chief Counsel, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3491.

Background

On August 18, 1992, the FAA published in the **Federal Register** (57 FR 37308), an amendment to the minimum slot usage requirement of § 93.227(a) of the Federal Aviation Regulations (14 CFR 93.227(a)). This amendment increased the minimum slot usage percentage from 65 percent to 80 percent, effective on January 1, 1993. A slot that is not used or operated a minimum of 80 percent of the time within the bimonthly reporting period is subject to withdrawal by the FAA.

On March 13–15, 1993, several airports, including three of the High Density Traffic airports, were forced to close because of severe weather conditions along the east coast of the United States. Due to the airport closings, many air carriers and commuters were unable to operate their slots. Many of the carriers, through ATA, have expressed concerns that they will not be able to reach the 80 percent minimum usage requirement due to their inability to operate their slots during those 3 days.

Even though the 80 percent minimum usage requirement takes various adverse factors into account, such as occasional mechanical problems and bad weather, the blizzard that forced the closure of the airports was an extraordinary weather system of great intensity and duration, and should not be considered as a normal bad weather occurrence. The FAA has decided, based on the extreme adverse weather, that operators should not be penalized if they are unable to reach the 80 percent minimum usage requirement due to the 3-day airport closure.

This notice announces FAA's policy that will allow slot holders and operators to report the slots as being used for all 3 days. In this way, no operator will be in jeopardy of losing a slot merely because the airport was closed.

Statement of Policy

When an operator submits its bimonthly use-or-lose report, it may designate any slot scheduled for operation at a High Density Traffic airport on March 13–15, 1993, as operated. The FAA's Office of Chief Counsel, Slot Administration Office will verify that the submitted slot was scheduled, and the FAA will treat as used any slot that the holder-of-record or operator-of-record was scheduled to operate over the specified 3-day period.

Issued in Washington, DC on April 13, 1993.

Joseph M. Del Balzo,

Acting Administrator.

[FR Doc. 93–9087 Filed 4–16–93; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 400

Advertising and Labeling as to Size of Sleeping Bags

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Trade Regulation Rule relating to the Advertising and Labeling as to Size of Sleeping Bags ("Sleeping Bag Rule"). The Commission is soliciting the comments as part of its periodic review of rules and guides.

DATES: Written comments will be accepted until May 19, 1993.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, room H–159, Sixth and Pennsylvania Avenue NW., Washington, DC 20580. Comments about the Sleeping Bag Rule should be identified as "16 CFR Part 400—Comment."

FOR FURTHER INFORMATION CONTACT: John A. Crowley, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326–3280.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or recision.

At this time, the Commission solicits written public comments concerning the Commission's Trade Regulation Rule relating to the Advertising and Labeling as to Size of Sleeping Bags.

The Sleeping Bag Rule regulates the advertising, labeling and marking of the dimensions of sleeping bags. The Commission found that the practice of labeling sleeping bags by the dimensions of the unfinished sizes of material used in their construction was misleading consumers about the actual finished size of sleeping bags. To correct this misconception, the Sleeping Bag Rule provides that it is an unfair method of competition and an unfair or deceptive act or practice to use the "cut size" to describe the size of a sleeping bag in advertising, labeling or marking unless:

(1) The dimensions of the cut size are accurate measurements of the yard goods used in construction of the sleeping bags; and

(2) Such "cut size" dimensions are accompanied by the words "cut size"; and

(3) The reference to "cut size" is accompanied by a clear and conspicuous disclosure of the length and width of the finished products and by an explanation that such dimensions constitute the finished size. The rule then gives an example of proper size marking: "Finished size 33" x 68"; cut size 36" x 72"."

The rule includes examples of both proper and improper representations of size descriptions. Currently, these examples are expressed in terms of feet. Under Executive Order 12770 of July 25, 1991, and the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act, all federal agencies are required to use the SI metric system of measurement in all procurement, grants and other business-related activities (which includes rulemakings), except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. To comply with these provisions, should the Commission elect to retain the rule after conducting this review, the examples in the rule will be altered to include the metric equivalent in parentheses beside the English measurements. Thus, the measurements in the examples would be revised to read: "Finished size 33" x 68" (83.82 cm x 172.72 cm); cut size 36" x 72" (91.44 cm x 182.88 cm)". This is a technical amendment to an illustrative example in the rule rather than a substantive amendment to the rule. It is not intended to create any new requirement under the Rule to use metric or to use metric in any particular fashion (for example, in hundredths of centimeters). Thus, under the Administrative Procedure Act, no formal rulemaking proceeding is necessary to implement this revision.

Accordingly, the Commission solicits public comments on the following questions:

(1) Has this trade regulation rule had a significant economic impact (costs or benefits) on entities subject to its requirements?

(2) Is there a continuing need for this trade regulation rule?

(3) What burdens does compliance with this trade regulation rule place on entities subject to its requirements?

(4) What changes should be made to this trade regulation rule to minimize the economic effect on such entities?

(5) Does this trade regulation rule overlap or conflict with other federal, state, or local government laws or regulations?

(6) Have technology or economic conditions changed since this trade regulation rule was issued, and, if so, what effect do the changes have on the rule?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 400

Advertising, Labeling, Size, Sleeping bags.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–9092 Filed 4–16–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 90F–0115]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame as a sweetener in additional nonalcoholic beverages including ready-to-serve fruit and nonfruit-flavored beverages and their concentrates. This action is in response to a petition filed by Kraft General Foods (formerly General Foods USA).

DATES: Effective April 19, 1993; written objections and requests for a hearing by May 19, 1993.

ADDRESSES: Written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Owen Fields, Center for Food Safety and Applied Nutrition (HFF–333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of April 16, 1990 (55 FR 14133), FDA announced that a food additive petition (FAP 0A4198) had been filed by General Foods USA, 250 North St., White Plains, NY 10625 (now Kraft General Foods), proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in all nonalcoholic beverages where its use is not currently permitted. However, the petition does not include information supporting the use of aspartame in all nonalcoholic beverages. Therefore, the agency evaluated the safety of the use of aspartame only in certain nonalcoholic beverages, as described more fully below.

After review of the petition was complete, a comment was received on behalf of the Stroh Brewery Co. (the Stroh comment), requesting that FDA construe any amendments to the aspartame regulation resulting from this petition as authorizing the use of aspartame in nonalcoholic beer. The use of aspartame in nonalcoholic beer was not considered during review of FAP 0A4198 because the petition did not provide data to support such use. For this reason, the use requested in the Stroh comment is not included in this amendment to the regulation. Subsequently, Stroh Brewery Co. filed a petition (FAP 2A4324) proposing that the food additive regulations be amended to provide for the safe use of aspartame in beer containing less than 3 percent alcohol by volume (57 FR 27055, June 17, 1992). Thus, the use requested in the Stroh comment is currently under agency review.

FDA has evaluated the data in the petition and other relevant information and has determined that the use of aspartame in the following additional beverages is safe: fruit-flavored and fruit juices that are nonrefrigerated and not pasteurized or aseptically packaged (e.g., canned lemonade-type drinks); refrigerated and nonrefrigerated nonfruit-flavored beverages (e.g., canned ice teas); and nonrefrigerated pasteurized or aseptically packaged diluted fruit juice beverages drinks with a pH above 4.5 to which the additive is added prior to pasteurization. Accordingly, the agency concludes that the regulations should be amended in § 172.804(c) to permit these additional uses.

Because the existing approvals for aspartame were granted in response to a series of different petitions, the current regulations authorize nonalcoholic beverage uses in five different paragraphs. The current decision to permit use of aspartame in additional nonalcoholic beverages removes the need for specifying each individual beverage. Therefore, FDA is revising the regulations prescribing approved uses of aspartame both to add the additional uses set forth above and to simplify the regulation by grouping most permitted uses of aspartame in nonalcoholic beverages and beverage bases into § 172.804(c)(5) and (c)(6). The agency is revising § 172.804(c)(5) to

include the dry bases for tea beverages currently listed in paragraph (c)(11) and is revising paragraph (c)(6) to allow the use of aspartame as a sweetener in additional nonalcoholic beverages. The agency is removing and reserving § 172.804(c)(8), (c)(11), and (c)(12) and incorporating all of those permitted uses into either paragraph (c)(5) or (c)(6). The previously allowed uses of aspartame in fruit flavored drinks and ades, imitation fruit flavored drinks and ades, tea beverages, and carbonated beverages are now listed as "flavored beverages." Fruit juice based drinks and ready-to-serve nonrefrigerated, pasteurized, aseptically packaged diluted fruit juice beverages are now included in the listing as "fruit juice based beverages."

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

2. Section 172.804 is amended by revising paragraphs (c)(5)(ii) and (c)(6) and by removing and reserving paragraphs (c)(8), (c)(11), and (c)(12) to read as follows:

§ 172.804 Aspartame.

* * * * *

(c) * * *

(5) * * *

(ii) Instant coffee and tea beverages.

* * * * *

(6) Ready-to-serve nonalcoholic flavored beverages, tea beverages, fruit juice based beverages, and their concentrates or syrups.

* * * * *

Dated: March 25, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–8777 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–01–F

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21 CFR Part 172

[Docket No. 92F–0214]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame as a flavor enhancer in malt beverages containing less than 3 percent alcohol by volume. This action is in response to a petition filed by the Stroh Brewery Co.

DATES: Effective April 19, 1993; written objections and requests for a hearing by May 19, 1993.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Owen Fields, Center for Food Safety and Applied Nutrition (HFS–207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9523.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 17, 1992 (57 FR 27055), FDA announced that a food additive petition (FAP 2A4324) had been filed by Stroh Brewery Co., 100 River Pl., Detroit, MI 48207–4291, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame in beer containing less than 3 percent alcohol by volume. The petitioner demonstrated that the addition of aspartame to such beverages, even at levels below the threshold of sweetness, results in a product with improved flavor qualities. Thus, the technical effect of aspartame described in this petition is that of a flavor enhancer rather than a sweetener.

In FAP 2A4324, Stroh used the terms "beer containing less than 3% alcohol by volume" and "malt beverages containing less than 3% alcohol by volume" interchangeably. Because FDA believed that these terms were interchangeable, the agency used the more common term "beer" in its notice of filing for FAP 2A4324. However, subsequent to publication of the filing notice, FDA determined that Bureau of Alcohol, Tobacco, and Firearms (BATF) regulations (27 CFR 7.24(d)) state that "Products containing less than one-half of 1 percent (.5%) of alcohol by volume shall bear the class designation 'malt beverage' or 'cereal beverage,' or 'near beer'" and that "No product containing less than one-half of 1 percent of alcohol by volume shall bear the class designations 'beer', 'lager beer', 'lager', 'ale', 'porter', or 'stout', or any other class or type designation commonly applied to malt beverages containing one-half of 1 percent or more of alcohol by volume." Because the petitioner

intended, and FDA evaluated, use of aspartame as a flavor enhancer in all malt-based beverages containing less than 3% alcohol by volume (including those containing less than 0.5% alcohol), the agency, in order to be consistent with BATF regulations, will refer to these products in the regulation as "malt beverages" rather than as "beer."

Having evaluated data in the petition and other relevant material, the agency concludes that the proposed use of the food additive is safe, and that the regulations should be amended in § 172.804(d) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

2. Section 172.804 is amended by revising paragraph (d) to read as follows:

§ 172.804 Aspartame.

* * * * *

(d) The additive may be used as a flavor enhancer in chewing gum, hard candy, and malt beverages containing less than 3 percent alcohol by volume.

* * * * *

Dated: April 2, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-8778 Filed 4-16-93; 8:45 am]

BILLING CODE 4160-01-F

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21 CFR Part 172

[Docket No. 87F-0344]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Aspartame

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of aspartame as a sweetener in baked goods and baking mixes where standards of identity do not preclude its use. Generally recognized as safe (GRAS) ingredients or approved food additives shall be used to ensure aspartame functionality in the final baked product. This action is in response to a petition filed by the NutraSweet Co.

DATES: Effective April 19, 1993; written objections and requests for a hearing by May 19, 1993. The Director of the Office of the Federal Register approves the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 of a certain publication in 21 CFR 172.804(c)(23), effective April 19, 1993.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Owen Fields, Center for Food Safety and Applied Nutrition (HFS-207), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of November 20, 1987 (52 FR 44636), FDA announced that a food additive petition (FAP 7A4044) had been filed by the NutraSweet Co., 1751 Lake Cook Rd., Deerfield, IL 60015, proposing that § 172.804 *Aspartame* (21 CFR 172.804) be amended to provide for the safe use of aspartame as a sweetener in baked goods and baking mixes where standards of identity do not preclude its use.

Aspartame breaks down to diketopiperazine (DKP) when exposed to prolonged heat, resulting in a loss of sweetness. For this reason, aspartame has not previously been considered for use in baking. When aspartame is used in a sugar substitute for table use, its label is required to include instructions not to use it in cooking or baking (21 CFR 172.804(e)(3)). The NutraSweet Co. has now developed technology for combining safe and suitable ingredients (substances that are GRAS or food additives used in compliance with a regulation) with aspartame to delay its breakdown at temperatures normally used in baking (U.S. Patent No. 4,704,288 Heat Stabilized Sweetener Composition Containing Aspartame). Aspartame protected in this way is effective as a sweetener in baked goods and baking mixes.

FDA has evaluated data in the petition and other relevant material. The agency concludes that the proposed food additive use is safe and the regulations should be amended by adding § 172.804(c)(23) as set forth below. Because stabilizing ingredients are needed to inhibit decomposition of aspartame under the conditions of use

involved in baking, the regulation specifies that GRAS ingredients or approved food additives are to be used to ensure aspartame functionality in the final baked product. In addition, FDA is setting a maximum use level of 0.5 percent (5,000 parts per million) in refrigerated or frozen ready-to-bake products and finished formulations prepared for baking from commercial dry mixes or from individual ingredients. Assuming the expected level of breakdown to DKP of aspartame with suitable thermal protection, this maximum prebaking level of aspartame in baked goods and baking mixes will ensure that the final level of aspartame will provide adequate sweetening. Excessive decomposition at this maximum use level would result in a lack of aspartame functionality. Because ensuring aspartame functionality in the final product is part of current good manufacturing practice (CGMP), FDA is not requiring specific ingredients or conditions for stabilization. This limitation on aspartame levels does not represent a conclusion by FDA that greater levels are unsafe, but ensures that manufacturers follow the CGMP requirements found in § 172.5(a)(1) and avoid use of aspartame formulations with inadequate thermal stabilization. FDA is incorporating by reference, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, an analytical method to determine the level of aspartame in ready-to-bake products and finished formulations prior to baking.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements, Incorporation by reference.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

2. Section 172.804 is amended by adding new paragraph (c)(23) to read as follows:

§ 172.804 Aspartame.

* * * * *

(c) * * *

(23) Baked goods and baking mixes in an amount not to exceed 0.5 percent by weight of ready-to-bake products or of finished formulations prior to baking. Generally recognized as safe (GRAS) ingredients or food additives approved for use in baked goods shall be used in combination with aspartame to ensure its functionality as a sweetener in the final baked product. The level of aspartame used in these products is determined by an analytical method entitled "Analytical Method for the Determination of Aspartame and Diketopiperazine in Baked Goods and Baking Mixes," October 8, 1992, which was developed by the NutraSweet Co., and is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies are available from the Office of Premarket Approval, Center for Food Safety and Applied Nutrition, 200 C St. SW., Washington, DC 20204, or are available for inspection at the Office of the Federal Register, 800 North Capitol St. NW., suite 700, Washington, DC.

* * * * *

Dated: April 2, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-8779 Filed 4-16-93; 8:45 am]

BILLING CODE 4160-01-F

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21 CFR Part 172

[Docket No. 90F-0017]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Modified Food Starch Treated with Beta-Amylase Enzyme

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of food starch modified by esterification with 1-octenyl succinic anhydride and treated with *beta*-amylase enzyme to be used as a stabilizer or emulsifier in nonalcoholic beverages and beverage bases. This action is in response to a petition filed by the National Starch and Chemical Corp. of North America.

DATES: Effective April 19, 1993; written objections and requests for a hearing by May 19, 1993.

ADDRESSES: Written objections to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Vincent Zenger, Center for Food Safety and Applied Nutrition (HFS-206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of

January 31, 1990 (55 FR 3269), FDA announced that a food additive petition (FAP 9A4136) had been filed by National Starch and Chemical Corp. of North America, Finderne Ave., P.O. Box 6500, Bridgewater, NJ 08807, proposing that the food additive regulations be amended to provide for the safe use of *beta*-amylase to treat modified food starch. In fact, the food additive under review is modified food starch, not *beta*-amylase. Thus, the petition requested, and the agency evaluated, the safety of starch modified by esterification with 1-octenyl succinic anhydride and treated with *beta*-amylase.

FDA has evaluated the data in the petition and other relevant material. The agency concludes that food starch that is modified by esterification with 1-octenyl succinic anhydride and treated with *beta*-amylase and is to be used as a stabilizer or emulsifier in nonalcoholic beverages and beverage bases, as defined in § 170.3(n)(3) (21 CFR 170.3(n)(3)) is safe. The agency notes that § 170.3(n)(3) contains a list of specific beverages and beverage bases that the beverages covered are restricted to those listed, and that the list of beverages does not include infant formulas. The reading of § 170.3(n)(3) is consistent with the 1972 report of the National Academy of Sciences/National Research Council, "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe," which is the basis for the categories set out in § 170.3(n). Accordingly, the agency concludes that the regulations should be amended in § 172.892(d) (21 CFR 172.892(d)) as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Director of the Center for Food Safety and Applied Nutrition, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 376).

2. Section 172.892 is amended by alphabetically adding a new entry in the table in paragraph (d) to read as follows:

§ 172.892 Food starch-modified.

* * * * *

(d) * * *

	Limitations
* * * * * * *	
1-Octenyl succinic anhydride, not to exceed 3 percent, followed by treatment with a *beta*-amylase enzyme that is either an approved food additive of is generally recognized as safe..	Limited to use as a stabilizer or emulsifier in beverages and beverage bases as defined in § 170.3(n)(3) of this chapter.
* * * * * * *	

* * * * *

Dated: April 2, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93-9061 Filed 4-16-93; 8:45 am]

BILLING CODE 4160-01-F

21 CFR Part 176

[Docket No. 85F-0234]

Indirect Food Additives: Paper and Paperboard Components

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of 2-amino-2-methyl-1-propanol as a dispersing agent in pigment suspensions to be applied as coatings to paper and paperboard products intended for contact with aqueous foods, including acidic and alcoholic foods. This action responds to a food additive petition filed by Angus Chemical Co.

DATES: Effective April 19, 1993; written objections and requests for a hearing by May 19, 1993.

ADDRESSES: Written objections may be sent to the Dockets Management Branch (HFA-305), Food and Drug

Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9511.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 9, 1985 (50 FR 28033), FDA announced that a food additive petition (FAP 5B3851) had been filed by Angus Chemical Co., 2211 Sanders Rd., Northbrook, IL 60062, proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of 2-amino-2-methyl-1-propanol as a dispersing agent in pigment suspensions to be applied as coatings to paper and paperboard products intended for food-contact use with aqueous foods.

This amendment to § 176.170 reflects that the additive is now cleared for use with all food types. The previously regulated uses of the additive with food types V, VIII, and IX, identified in Table 1 of § 176.170(c), combined with the new uses, give clearance for use of the additive with all food types.

In its evaluation of the additive, FDA reviewed the safety of both the additive and the starting materials used to manufacture the additive. Although 2-amino-2-methyl-1-propanol has not been found to cause cancer, it may contain residual amounts of 2-nitropropane which has been shown to cause cancer in test animals. Residual amounts of reactants and manufacturing aids, such as 2-nitropropane, are commonly found as contaminants in chemical products, including food additives. Therefore, the agency has evaluated the potential ingestion of this carcinogenic substance from its use in coatings for paper and paperboard products in contact with food.

I. Determination of Safety

Under section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), the so-called "general safety clause" of the statute, a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. The concept of safety embodied in the Food Additives Amendment of 1958 is explained in the legislative history of the provision: "Safety requires proof of a reasonable certainty that no harm will result from the proposed use of an additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance" (H. Rept. 2284, 85th Cong., 2d sess. 4 (1958)). This definition of safety has been incorporated into FDA's food additive regulations (21 CFR 170.3(i)). The anticancer, or Delaney, clause of the act (section 409(c)(3)(A)) provides further that no food additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal.

In the past, FDA often refused to approve the use of an additive that contained or was suspected of containing even minor amounts of a carcinogenic chemical, even though the additive as a whole had not been shown to cause cancer. The agency now believes, however, that developments in scientific technology and experience with risk assessment procedures make it possible for FDA to establish the safety of additives that contain carcinogenic chemicals but that have not themselves been shown to cause cancer.

In the preamble to the final rule permanently listing D&C Green No. 6, published in the **Federal Register** of April 2, 1982 (47 FR 14138), FDA explained the basis for approving the use of a color additive that has not been shown to cause cancer, even though it contains a carcinogenic impurity. Since that decision, FDA has approved the use of other color additives and food additives on the same basis. An additive that has not been shown to cause cancer, but that contains a carcinogenic impurity, may properly be evaluated under the general safety clause of the statute using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive.

The agency's position is supported by *Scott* v. *FDA*, 728 F. 2d 322 (6th Cir. 1984). That case involved a challenge to FDA's decision to approve the use of D&C Green No. 5, which contains a carcinogenic chemical but has itself not been shown to cause cancer. Relying heavily on the reasoning in the agency's decision to list this color additive, the U.S. Court of Appeals for the Sixth Circuit rejected the challenge to FDA's action and affirmed the listing regulation.

II. Safety of the Petitioned Use

FDA estimates that the petitioned use of 2-amino-2-methyl-1-propanol will result in extremely low levels of exposure to this additive. The agency has estimated a probable daily intake of 2-amino-2-methyl-1-propanol based on considerations such as the migration of the additive under the most severe intended use conditions and the probable concentration of the additive in food from food-contact articles that contain this substance. The concentration of the additive in the daily diet resulting from the proposed use in coatings for contact with aqueous foods, including acidic and alcoholic foods, is expected to be no greater than 0.11 part per million.

FDA does not ordinarily consider chronic testing to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Refs. 1 and 2), and the agency has not required such testing in this case. However, the agency has reviewed available data from a 1-year feeding study in dogs and other data. Based on this study and other data, and the low level of exposure to 2-amino-2-methyl-1-propanol, the agency concludes that there is an adequate margin of safety for the proposed use of the additive.

Because 2-amino-2-methyl-1-propanol itself has not been shown to cause cancer, the anticancer clause of the act does not apply to it. However, FDA has evaluated the safety of this additive under the general safety clause, considering all available data and using risk assessment procedures to estimate the upper bound limit of risk presented by the carcinogenic chemical, 2-nitropropane, that may be present as an impurity in the additive. Based on this evaluation, the agency has concluded that the additive is safe under the proposed conditions of use.

The risk assessment procedures that FDA used in this evaluation are similar to the methods that the agency has used to examine the risk associated with the presence of minor carcinogenic impurities in various other food and color additives that contain carcinogenic impurities (see e.g., 49 FR 13018 at 13019, April 2, 1984). This risk evaluation of the carcinogenic impurity, 2-nitropropane, has two aspects: (1) Assessment of the worst-case exposure to the impurity from the proposed use of the additive; and (2) extrapolation of the risk observed in the animal bioassays to the conditions of probable exposure to humans.

A. 2-Nitropropane

Based on the fraction of the daily diet that may be in contact with surfaces containing 2-amino-2-methyl-1-propanol and on the level of 2-nitropropane that may be present in the additive, FDA estimated the hypothetical worst-case exposure to 2-nitropropane from the use of 2-amino-2-methyl-1-propanol in pigmented coatings contacting: (1) Aqueous foods, including acidic and alcoholic foods, to

be 0.6 nanogram per person per day (ng/p/d), and (2) when in contact with all types of foods, to be 1 ng/p/d (Refs. 3 and 4).

The agency used data from three inhalation studies on 2-nitropropane with rats to estimate the upper-bound limit of lifetime human risk from exposure to this chemical stemming from the proposed use of 2-amino-2-methyl-1-propanol (Refs. 5, 6, and 7). The results of these bioassays demonstrated that 2-nitropropane was carcinogenic in rats under the conditions of the study. The test material caused significantly increased incidences of hepatocellular tumors in male and female rats by the inhalation route.

The Center for Food Safety and Applied Nutrition's Cancer Assessment Committee reviewed these bioassays and other relevant data available in the literature and concluded that the findings of carcinogenicity were supported by this information on 2-nitropropane (Ref. 8). The committee further concluded that an estimate of the upper-bound level of lifetime human risk from potential exposure to 2-nitropropane stemming from the proposed use of 2-amino-2-methyl-1-propanol could be calculated from the bioassays.

The agency used a quantitative risk assessment procedure (linear proportional model) to extrapolate from the dose used in the rat experiments to the very low doses that might be encountered under the proposed conditions of use. This procedure is not likely to underestimate the actual risk from very low doses and may, in fact, exaggerate it because the extrapolation models used are designed to estimate the maximum risk consistent with the data. For this reason, the estimate can be used with confidence to determine with reasonable certainty whether any harm will result from the proposed conditions and levels of use of the food additive.

Based on a worst-case exposure of no more than 1 ng/p/d, FDA estimates that the upper-bound limit of individual lifetime risk from the potential exposure to 2-nitropropane from the use of 2-amino-2-methyl-1-propanol in pigmented coatings contacting all types of food is 6×10^{-10} or 6 in 10 billion (Ref. 9). Because of numerous conservatisms in the exposure estimate, actual lifetime averaged individual daily exposure to 2-nitropropane is expected to be substantially less than the estimated daily intake, and therefore, the calculated upper-bound limit of risk would be less than 6×10^{-10}. Thus, the agency concludes that there is a reasonable certainty of no harm from the exposure to 2-nitropropane that might result from the proposed use of 2-amino-2-methyl-1-propanol in contact with food.

B. Need for Specifications

The agency has also considered whether a specification is necessary to control the amount of 2-nitropropane impurity in the food additive. The agency finds that a specification is not necessary for the following reasons: (1) Because of the low level at which 2-nitropropane may be expected to remain as an impurity following production of the additive, the agency would not expect this impurity to become a component of food at other than extremely low levels; and (2) the upper-bound limit of lifetime risk from exposure to this impurity, even under worst case assumptions, is very low, 6 in 10 billion.

C. Conclusion on Safety

FDA has evaluated the data in the petition and other relevant material. The agency concludes that the proposed uses for the additive in paper and paperboard products in contact with aqueous foods, including acidic and alcoholic foods, is safe, and § 176.170 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

III. Environmental Impact

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

IV. Objections

Any person who will be adversely affected by this regulation may at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

V. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Carr, G. M., "Carcinogen Testing Programs," in "Food Safety: Where are We?," Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, p. 59, July 1979.

2. Kokoski, C. J., "Regulatory Food Additive Toxicology," in "Chemical Safety Regulation and Compliance," edited by F. Homburger, J. K. Marquis, and S. Karger, New York, NY, pp. 24–33, 1985.

3. Memorandum dated August 30, 1985, from Food Additive Chemistry Evaluation Branch to Indirect Additives Branch, "FAP 5B3851—2-Nitropropane (2–NP)."

4. Memorandum dated September 25, 1985, from Food Additive Chemistry Evaluation Branch to Indirect Additives Branch, "FAPs 0B3486 & 5B3851, 2-Nitropropane (2NP) and Formaldehyde."

5. Griffin, T. B., K. F. Benitz, R. Coulston, and I. Rosenblum, "Chronic Inhalation Toxicity of 2-Nitropropane in Rats" (Abstract No. 3), *The Pharmacologist*, 20:145, 1978.

6. Griffin, T. B., F. Coulston, and A. A. Stein, "Chronic Inhalation Exposure of Rats to Vapors of 2-Nitropropane at 25 ppm," *Ecotoxicology Environmental Safety*, 4:267-281, 1980.

7. Griffin, T. B., A. A. Stein, and F. Coulston, "Histologic Study of Tissue and Organs from Rats Exposed to Vapors of 2-Nitropropane at 25 ppm," *Ecotoxicology Environmental Safety*, 5:194-201, 1981.

8. Memorandum of conference, from the Cancer Assessment Committee, "2-Nitropropane," dated August 12, 1983.

9. Memorandum from the Quantitative Risk Assessment Committee, "Risk Assessments for the Presence of the Carcinogen, 2-Nitropropane, in Food," dated April 7, 1986.

List of Subjects in 21 CFR Part 176

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 176 is amended as follows:

PART 176—INDIRECT FOOD ADDITIVES: PAPER AND PAPERBOARD COMPONENTS

1. The authority citation for 21 CFR part 176 continues to read as follows:

Authority: Secs. 201, 402, 406, 409, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 342, 346, 348, 376).

2. Section 176.170 is amended in the table in paragraph (a)(5) by revising the entry for "2-Amino-2-methyl-1-propanol (CAS Reg. No. 124–68–5)" under the heading "Limitations" to read as follows:

§ 176.170 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(a) * * *

(5) * * *

List of Substances	Limitations
* * * * * * *	
2-Amino-2-methyl-1-propanol (CAS Reg. No. 124–68–5)	For use as a dispersant for pigment suspension at a level not to exceed 0.25 percent by weight of pigment. The suspension is used as a component of coatings for paper and paperboard under conditions of use described in paragraph (c) of this section, Table 2, conditions of use E through G.
* * * * * * *	

* * * * *

Dated: April 8, 1993.

Michael R. Taylor,

Deputy Commissioner for Policy.

[FR Doc. 93–9063 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AA11

Safety Standards for Underground Coal Mine Ventilation; Correction

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Correction.

SUMMARY: This document corrects the preamble to the final rule for safety standards for underground coal mine ventilation that appeared in the **Federal Register** on May 15, 1992 (57 FR 20868).

EFFECTIVE DATE: April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, phone (703) 235–1910.

SUPPLEMENTARY INFORMATION:

Background

On May 15, 1992, MSHA published a final rule to revise its safety standards for underground coal mine ventilation. This document deletes language that erroneously appeared in the preamble discussion of the definition of "air course".

On page 20870, in the second column under "Section 75.301 Definitions", first paragraph, the second sentence reads, "The Agency does not consider air courses that are common only at each end to be the same air course if the separation between the common openings is more than 600 feet."

After reviewing the preamble and the definition of air course in the rule, MSHA has found that the sentence is inconsistent with both other language in the preamble and the final rule itself. In particular, this sentence conflicts with the immediately preceding paragraph in the preamble discussion of the definition of air course. Because it was inadvertently included in the preamble and MSHA did not intend that an air course be interpreted consistent with that sentence this notice deletes the sentence.

Correction of Publication

In the preamble to the final rule for safety standards for underground coal mine ventilation that appeared in the **Federal Register** on May 15, 1992 (57 FR 20868), the following correction is made:

1. On page 20870, in the second column under "Section 75.301 Definitions", first paragraph, the second sentence, which reads, "The Agency does not consider air courses that are common only at each end to be the same air course if the separation between the common openings is more than 600 feet" is deleted.

Dated: April 12, 1993.

Edward C. Hugler,

Acting Assistant Secretary for Mine Safety and Health.

[FR Doc. 93–8997 Filed 4–16–93; 8:45 am]

BILLING CODE 4510–43–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1 91–063]

Special Anchorage Area: Deep Bay, Lake Champlain, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting regulations to establish a special anchorage area in Lake Champlain. This anchorage is located in the waters contiguous to Point Au Roche State Park, New York in an area known as Deep Bay. The New York State Office of Parks, Recreation and Historic Preservation requests this area be designated as a special anchorage for usage by recreational craft. This final rule will provide a safe anchorage well away from fairways where vessels not more than 65 feet in length can remain unlighted at night and during periods of reduced visibility. There are no such anchorages available in the immediate area.

EFFECTIVE DATE: May 19, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) J.J. Gleason, Waterways Management Officer, Coast Guard COTP New York (212) 668–7902.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG J.J. Gleason, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On April 14, 1992, the Coast Guard published a notice of proposed rulemaking entitled "Special Anchorage Area; Deep Bay, Lake Champlain, NY" in the **Federal Register** (57 FR 12891). The Coast Guard did not receive any letters commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

On September 12, 1991 the New York State Office of Parks, Recreation and Historic Preservation (hereafter, the State) requested this area be designated a special anchorage to facilitate the mooring of transient recreational craft. The State has documented the usage of this area over the past ten years, 1980 through 1990, and feels this designation is necessary to sanction and better manage this usage. This designation would substantially enhance the utilization of this area by providing an orderly mooring scheme. The State will administer this mooring area by issuing temporary permits for its use. The existing facilities, which include a floating dock, sewage pumpout station and a boat launch would be available to all permit holders. This area will be available to the general public and will be able to accommodate up to 63 vessels, no greater than 40 feet in length. The requestor will install State maintained aids to navigation which will mark a clear channel for ingress and egress of vessels from the mooring field.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a Regulatory Evaluation is unnecessary. The area has always been a designated anchorage ground, this regulation merely makes its utilization more available to the general population, in particular, recreational vessel operators. Establishment of this proposed special anchorage will not require dredging or result in increased cost to any segment of the public.

Small Entities

For reasons already specified in the Regulatory Evaluation section of this rule, the Coast Guard has determined that this rule will have a minimal adverse impact on small entities. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, this rule is categorically excluded from further documentation. This rule will not have any impact on the human environment or environmental conditions, in general, and is solely an administrative action which will sanction the historical use of this area. A categorical exclusion determination is available in the docket.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—[AMENDED]

1. The authority citation for 33 CFR part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.8, paragraph (i) is added to read as follows:

§ 110.8 Lake Champlain, N.Y. and VT.

* * * * *

(i) *Point Au Roche, New York.* The waters of Deep Bay north of a line drawn shore to shore along the 44°46'14"N line of Latitude.

Note: Anyone wishing to occupy a mooring in this area shall obtain a permit from the New York State Office of Parks, Recreation & Preservation.

Dated: April 5, 1993.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 93-8988 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CGD1 91-167]

Special Anchorage Area: Lower Hudson River, NY

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is adopting regulations to establish a special anchorage area in the Lower Hudson River in the waters contiguous to the Manhattan shoreline. This anchorage is located north of the George Washington Bridge and changes the designation of Federal Anchorage 18–B from a general anchorage ground to a special anchorage area. The co-applicants, New York City Department of Parks & Recreation and Dyckman Marine Venture, LTD., requested this area be designated as a special anchorage area to increase access and recreation options for the public. This regulation will provide an anchorage where vessels 65 feet or less in length can remain unlighted at night and during periods of reduced visibility. There are no such anchorages available in the immediate area.

EFFECTIVE DATE: May 19, 1993.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) L. D. Johnson, Waterways Management Officer, Coast Guard COTP New York (212) 668–7902.

SUPPLEMENTARY INFORMATION:

Drafting Information

The drafters of this notice are LTJG L. D. Johnson, Captain of the Port, New York and LCDR J. Stieb, Project Attorney, First Coast Guard District, Legal Office.

Regulatory History

On May 8, 1992, the Coast Guard published a notice of proposed rulemaking entitled "Special Anchorage Area; Lower Hudson River, NY" in the **Federal Register** 57 FR 19831. The Coast Guard received one (01) letter commenting on the proposal. A public hearing was not requested and one was not held.

Background and Purpose

The co-applicants, New York City Department of Parks & Recreation and Dyckman Marine Venture Ltd., requested this area be designated a special anchorage area to enhance access and use of this waterway, and increase the recreational options for the public. The area is presently designated a federal anchorage, FA 18–B, and is described in paragraph 110.155(c)(4), of this title. The anchorage ground, as presently designated, was established sometime prior to December 12, 1967 by

the Department of the Army. December 12, 1967 is the same date the Coast Guard assumed administrative and regulatory control of federally established anchorages. The Coast Guard does not have any record of this anchorage ground being used for its intended purpose as a commercial deep draft anchorage or as a naval vessel auxiliary anchorage. The area is used by recreational vessels under the jurisdiction of the New York City Department of Parks and Recreation. However, the city would prefer to have this area federally designated to increase the amount of mooring space available to the recreational boating population.

This designation will change this anchorage from a general anchorage ground to a special anchorage area where vessels 65 feet or less could remain unlighted at night and during periods of limited visibility without hazarding maritime traffic in the area. This area is located adjacent to the existing facilities at the Dyckman Street Marina. There are currently no such anchorages available in the immediate area. The co-applicants will administer this mooring area by issuing permits for its use and provide oversight to ensure the area is operated within applicable Coast Guard guidelines. Upon approval, the co-applicants will make available an area for docking and storage, and will also provide free sewage pumpout services for all vessels holding valid mooring permits. This special anchorage area will be available to the general public. The requestor will establish private lighted aids to navigation, approved by the Coast Guard, to ensure the area is adequately marked.

Discussion of Comments and Changes

The only comment received was a written response from the Towboat and Harbor Carriers Conference, a conference of the American Waterways Operators, Atlantic Region. The responder is against the establishment of this special anchorage for the following reasons; objection to changing the use of the area from a commercial to a recreational anchorage due to loss of anchorage space, objection to the preamble in the proposed rulemaking which stated that the Coast Guard had no records of commercial utilization of the anchorage, and objection to the mooring of recreational vessels along a commercial waterway due to potential wake problems and general safety concerns.

In response to those allegations the Coast Guard offers the following:

1. The area to be designated as a special anchorage is Federal Anchorage 18–B (FA18–B) which is surrounded to the north, south and west by other much larger anchorages. Federal Anchorages 16, 17, 18A and 19 are all within less than 1 mile of FA 18–B and comprise over 97 percent more anchorage area than is being lost by this designation. Federal Anchorages 16, 17, 18A and 19 are equivalent anchorages to FA 18–B and therefore the redesignation of this anchorage does not significantly reduce the amount or type of anchorage area used by non-recreational vessels. The Coast Guard received no comments from vessel owners regarding the redesignation of this anchorage.

2. The wake problem and other safety concerns are recognized. However, several other special anchorages already exist along this waterway. Although there have been some problems noted in the past regarding the interaction of commercial and recreational vessels the Coast Guard feels this should not be considered an unreasonable hazard that outweighs the benefit of additional safe moorings. For added safety, the dimensions of FA 18B were modified in the proposed regulation to facilitate its use by narrowing its western limits by 50 percent, thereby moving the anchorage further from the active channel. A private aid to navigation system will also be established in the area to better mark its bounds. No such system presently exists.

No changes to the proposal have been made to this rule as a result of the comments received.

Regulatory Evaluation

This regulation is not major under Executive Order 12291 and not significant under Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this rule to be so minimal that a Regulatory Evaluation is unnecessary. The area has always been a designated anchorage ground, this regulation merely makes its utilization more available to the general population, in particular, recreational vessel operators. Establishment of this special anchorage area will not require dredging or result in increased cost to any segment of the public.

Small Entities

For reasons already specified in the Regulatory Evaluation section of this rule, the Coast Guard has determined that this rule will have a minimal adverse impact on small entities. Therefore, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501).

Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this regulation does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this regulation and concluded that under section 2.B.2.c. of Commandant Instruction M16475.1B, this rule is categorically excluded from further documentation. This rule will not result in any significant cumulative impact on the human environment or environmental conditions, in that the proposed regulation will merely redesignate an existing anchorage. A categorical exclusion determination is available in the docket.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Regulation

For reasons set out in the preamble, the Coast Guard amends 33 CFR part 110 as follows:

PART 110—[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.60, paragraph (o–3) is added after the note to read as follows:

§ 110.60 Port of New York and vicinity.

* * * * *

(o–3) *Hudson River, North Manhattan.* That area enclosed by coordinates starting at 40°51'08.0" N., 073°56'36.1" W., to 40°51'09.5" N., 073°56'40.9" W., to 40°52'08.1" N., 073°55'57.0" W., thence along the shoreline to the point of the beginning.

* * * * *

3. Section 110.155(c)(4) is removed and reserved.

Dated: April 5, 1993.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 93-8989 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 92-311; RM-8132]

Radio Broadcasting Services; Iron River, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 297C2 to Iron River, Wisconsin, as that community's first local transmission service in response to a petition filed by James V. Lien, Norma G. Lien and Lenard G. Harvey. See 58 FR 4974, January 19, 1993. The coordinates for Channel 297C2 are 46-35-19 and 91-14-44. There is a site restriction 12.3 kilometers (7.7 miles) east of the community. Canadian concurrence has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective May 28, 1993. The window period for filing applications for Channel 297C2 at Iron River will open on June 1, 1993, and close on July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 92-311, adopted March 22, 1993, and released April 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Services, Inc., 2100 M Street NW., suite 140, Washington, DC 20037, (202) 857-3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wisconsin, is amended by adding Iron River, Channel 297C2.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-9010 Filed 4-16-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-278; RM-8115]

Radio Broadcasting Services; Harlem, GA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 236C3 for Channel 236A at Harlem, Georgia, at the request of GMR Broadcasting, Inc. See 57 FR 57410, December 4, 1992. Channel 236C3 can be allotted to Harlem, Georgia, in compliance with the Commission's minimum distance separation requirements with a site restriction of 13.3 kilometers (8.3 miles) northwest, in order to avoid a short-spacing to a construction permit for Station WMKO(FM), Channel 235C3, Millen, Georgia. The coordinates for Channel 236C3 at Harlem are North Latitude 33-29-22 and West Longitude 82-25-28. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 28, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-278, adopted March 17, 1993, and released April 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street NW., room 246, or 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by removing Channel 236A and adding Channel 236C3 at Harlem.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-9013 Filed 4-16-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-229; RM-8083]

Radio Broadcasting Services; Brookings, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of KURY Radio, Inc., substitutes Channel 237C2 for Channel 237C3 at Brookings, Oregon, and modifies Station KURY's license to specify operation on the higher class channel. *See* 57 FR 47027, October 14, 1993. Channel 237C2 can be allotted to Brookings in compliance with the Commission's minimum distance separation requirements at Station KURY's licensed transmitter site, at coordinates North Latitude 42-07-23 and West Longitude 124-17-56. With this action, this proceeding is terminated.

EFFECTIVE DATE: May 28, 1993.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-229, adopted March 24, 1993, and released April 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 237C3 and adding Channel 237C2 at Brookings.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-9012 Filed 4-16-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-239; RM-8089]

Radio Broadcasting Services; Cusseta, GA

AGENCY: Federal Communications Commission

ACTION: Final rule.

SUMMARY: This document allots Channel 279A to Cusseta, Georgia, as that community's first local aural transmission service, at the request of Chattahoochee County Broadcasting. See 57 FR 49161, October 30, 1992. Channel 279A can be allotted to Cusseta at petitioner's desired transmitter site, in compliance with the minimum distance separation requirements of the Commission's Rules without the imposition of a site restriction. The coordinates for Channel 279A at Cusseta are North Latitude 32-18-18 and West Longitude 84-46-30. With this action, this proceeding is terminated.

DATES: Effective May 28, 1993. The window period for filing applications will open on June 1, 1993, and close on July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Nancy J. Walls, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 92-239, adopted March 17, 1993, and released April 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857-3800, 1919 M Street NW., room 246, or 2100 M Street NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Georgia, is amended by adding Cusseta, Channel 279A.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-9014 Filed 4-16-93; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 76

[MM Docket No. 92-263; FCC 93-145]

Cable Act of 1992—Consumer Protection and Customer Service

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: By this Report and Order ("Order"), the Commission implements section 632 of the Communications Act of 1934, as amended by section 8 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992" or "1992 Act"). That provision governs the establishment, implementation and enforcement of customer service standards for cable operators nationwide. The Notice of Proposed Rule Making in this proceeding sought comment on issues concerning the implementation of section 8 of the Cable Act of 1992. This action is taken in order to comply with the 1992 Act.

EFFECTIVE DATE: July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Alan E. Aronowitz, Mass Media Bureau, Policy and Rules Division, (202) 632-7792 or David Krech, Office of Legislative Affairs, (202) 632-6405.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order in MM Docket No. 92-263, FCC 93-145, adopted March 11, 1993, and released April 7, 1993. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street NW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Service (ITS), at (202) 857-3800, 2100 M Street NW., suite 140, Washington, DC 20037.

Synopsis of Report and Order

1. By this Report and Order ("Order"), the Commission implements section 632 of the Communications Act of 1934, as amended by section 8 of the Cable Television Consumer Protection and Competition Act of 1992 ("Cable Act of 1992" or "1992 Act"). That provision governs the establishment, implementation and enforcement of customer service standards for cable operators nationwide. In the Notice of Proposed Rule Making, 57 FR 61038 (December 23, 1992) ("Notice"), in this proceeding, the Commission solicited comment on issues concerning the implementation of section 8 of the Cable Act of 1992.

2. Section 632(a) of the Communications Act, as amended by section 8 of the Cable Act of 1992 provides that a franchising authority may establish and enforce customer service requirements and construction schedules and other construction-related requirement, including construction-related performance requirements, of the cable operator. Section 632(b) requires the Commission to establish standards by which cable operators may fulfill their customer service requirements, including, at a minimum, requirements governing (1) cable systems office hours and telephone availability; (2) installations, outages, and service calls; and (3) communications between the cable operator and the subscriber (including standards governing bills and refunds. Section 632(c) permits franchise authorities to agree with cable operators to adopt stricter standards, and to enact any State or municipal law or regulation which imposes a stricter or different customer service standard than that set by this Commission.

3. After analyzing the comments of interested parties, the Commission concluded that the implementation scheme most consonant with the language of the statute and Congress' intent is for the Commission to establish self-executing standards which set forth customer service obligations of cable operators nationwide in the specific areas delineated by section 8 of the Cable Act of 1992. The Commission used existing voluntary industry standards as a starting point for its Federal standards. However, the Commission modified and added to those standards to include definitions of key terms in the standards, and to strengthen other standards to ensure more satisfactory customer service. These standards will become applicable to all cable operators on a nationwide basis on July 1, 1993 and will be

enforced by local franchising authorities, which will be required to provide cable operators with 90-days written notice of their intent to enforce them.

4. The Commission found that, as a general principle, specific customer service requirement enforcement mechanisms and processes are to be determined by the franchise authorities. To the extent that existing franchise agreements may prohibit franchise authority enforcement of customer service standards, such provisions are preempted by the Federal statute. A franchise authority that chooses to enforce the FCC standards may unilaterally modify the franchise agreement to the extent necessary to implement local enforcement of the Commission's customer service requirements. Franchise authorities may also enforce service requirements either pursuant to the terms of an existing franchise agreement which provides for effective enforcement; with the consent of the affected cable operator; pursuant to applicable State or municipal consumer protection or customer service law or regulation; or pursuant to the franchising process. Existing customer service requirements exceeding the standards developed by the FCC contained in current franchise agreements will be grandfathered through the end of the franchise term. The Commission declined to adopt a flat exemption for small cable systems, but instead will permit small systems to seek waivers of its standards should they conclude that one or more of those standards is too onerous. The Commission will consider small systems to be those with 1,000 or fewer subscribers.

5. The Commission declined to establish specific customer service reporting requirements or refund or penalty guidelines applicable to all cable operators nationwide. It was concerned that adoption of Federal enforcement standards could preempt local enforcement mechanisms and hamper effective local enforcement of customer service requirements. Similarly, and based on the record before it, the Commission did not establish specific, universally applicable remedies or penalties for operators that do not comply with their customer service obligations. Local governments, it reasoned, should be free to avail themselves of reasonable remedies to assure compliance and fairness to all parties and free to pursue nonmonetary forms of relief to assure customer satisfaction. The Commission expected that overall system-wide compliance based on aggregate performance will be a fundamental concern to franchise authorities. However, the Commission concluded that it is not appropriate to preclude local resolution of individual subscriber complaints that cannot be resolved between the cable operator and its customer.

6. The Commission also found that the Cable Act of 1992 provides the FCC with no direct role in the enforcement of customer service standards. Accordingly, the Commission found that the customer service standards it adopted should be enforced by local franchise authorities. However, consistent with the Commission's overall obligation to effectuate the reforms mandated by the 1992 Cable Act, the Commission retained the authority to address, as necessary, systemic abuses that undermine the statutory objectives.

7. For purposes of its customer service standards, the Commission defined the key terms underlying the standards to prevent confusion. *Normal business hours:* For purposes of the Commission's customer service standards, the term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours. *Normal operating conditions:* The term "normal operating conditions" includes those conditions which are within the control of the cable operator, including special promotions, pay-per-view events, rate increases, and maintenance or upgrade of the cable system. Those conditions which are not within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe weather. *Service interruption:* A "service interruption" means the loss of picture or sound on one or more channels.

8. As to the standards themselves, the Commission will require that cable operators will maintain a local, toll-free or collect call telephone access line which will be available 24 hours a day, seven days a week, with trained representatives answering the phone during normal business hours; telephones will be answered within 30 seconds and call transfers will be made within another 30 seconds; the caller will receive a busy signal less than three percent of the time and customer service and bill payment centers will be open at least during normal business hours and will be conveniently located. The cable operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards unless an historical record of complaints indicates a clear failure to comply.

9. Under normal operating conditions, the following standards will be met no less than 95 percent of the time as measured on a quarterly basis: (A) Standard installation will be performed within seven business days after an order has been placed. "Standard" installations are those that are local up to 125 feet from the existing distribution systems. Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem; (B) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer); (C) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment; and (D) If an installer or technician is running late and will not be able to keep the service appointment as scheduled, the customer will be contacted and the appointment will be rescheduled at a time which is convenient for the customer.

10. The Commission will require cable operators to provide written information at the time of installation and, at least annually, to all subscribers on products and services, prices and options and conditions of subscription to programming and other services, installation and service maintenance policies, instructions on how to use the cable service, channel positions of programming carried on the cable system, and billing and complaint procedures. Customers must be notified of any changes in rates, programming or channel positions as soon as possible through announcements on the cable systems and in writing. Subscribers must be notified at least 30 days before changes in any of the customer service standards within the control of the cable operator, or any other significant changes in the information conveyed to subscribers. Bills must be clear, concise and understandable and must be fully itemized, including basic and premium service and equipment charges. In case of a billing dispute, the cable operator

must respond to a written complaint within 30 days. Refund checks must be issued promptly, but no later than (i) the next billing cycle or 30 days thereafter, or (ii) the return of the equipment supplied by the cable operator if service is terminated. Credits for service must be issued no later than the customer's next billing cycle.

11. The Commission declined to add to its standards a flat late fee charge. It also declined at this time to adopt customer service standards in areas not specified in the statute. The Commission concluded that if there are other areas of concern, the statute and the Commission's rules allow the franchising authority to address those issues.

Administrative Procedure Act

12. Adelphia Communications Corporation ("Adelphia") challenged the Commission's proposed action in this proceeding as failing to comply with the notice provisions of the Administrative Procedure Act, 5 U.S.C. 551 et seq. ("APA"). Specifically, it argues that the Notice in this proceeding has given inadequate notice of the customer service standards it intends to adopt, how such standards will be enforced, the interaction of the proposed Federal standards with State and local laws and existing cable franchise agreements, or any alternative approaches under consideration. The Commission rejected this argument, concluding that the Notice amply articulated the purposes intended to be served by the Commission's action. Specifically, the Commission noted that the Notice adequately set forth and elicited comment on specific proposals to implement section 8 of the Cable Act of 1992 as discussed in detail in the Report and Order.

Final Regulatory Flexibility Analysis

13. Pursuant to the Federal Flexibility Act of 1980, the Commission's final analysis is as follows:

I. Need and Purpose of This Action

The Commission's goal is to implement Section 8 of the Cable Act of 1992, which concerns customer service standards to be applied to cable operators nationwide.

II. Issues Raised in Response to the Initial Regulatory Flexibility Analysis

The Chief Counsel for Advocacy of the United States Small Business Administration ("USSBA") took no position on adoption and enforcement issues raised in the Notice. It did, however, urge the Commission to limit the standards to be developed to those specifically enumerated in the statute, and suggested that a later Notice of Inquiry could be launched if it appears that further standards might be appropriate. USSBA also stated that the Commission should establish more than one Federal customer service benchmark. Specifically, it advocated tiering customer service standards based on the size and type of system, then further subdivide categories based on the age of the cable system, and then further classify systems based on the number of subscribers. Once separate tiers have been established, USSBA would not select specific customer service targets, but rather a range of standards from which cable operators and franchising authorities could agree. Although it acknowledges that this type of stratification may be complex, USSBA states that it will work to ensure that comparable type systems meet comparable customer service standards.

III. Significant Alternatives Considered

USSBA's and other commenting parties' comments concerning small business concerns and alternatives were fully considered in this proceeding. The Commission agreed with USSBA regarding the establishment of customer service standards specifically enumerated in the statute. However, this Report and Order does not accept USSBA's specific arguments concerning the establishment of multiple national standards based on classifications of cable systems. The Commission did, however, consider various alternatives, including USSBA's, in responding to the concerns regarding the impact of these matters on small cable systems.

Ordering Clauses

14. Accordingly, *it is ordered, That,* pursuant to authority contained in sections 4(i), 4(j), and 303 of the Communications Act of 1934, as amended, and the Cable Television Consumer Protection and Competition Act of 1992, Public Law No. 102–385, part 76 of the Commission's Rules, 47 CFR part 76, is hereby amended as set forth below.

15. *It is further ordered, that* the rule changes made herein will become effective July 1, 1993.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

Amendatory Text

Title 47 CFR, part 76 is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for part 76 is revised to read as follows:

Authority: Sections 2, 3, 4, 301, 303, 307, 308, 309, 48 Stat., as amended, 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1101; 47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309; secs. 612, 614–615, 623, 632, as amended, 106 Stat. 1460; 47 U.S.C. 532, 533, 535, 543, 552.

2. Section 76.309 is added to subpart H to read as follows:

§ 76.309 Customer service obligations.

(a) A cable franchise authority may enforce the customer service standards set forth in paragraph (c) of this section against cable operators. The franchise authority must provide affected cable operators ninety (90) days written notice of its intent to enforce the standards.

(b) Nothing in this rule should be construed to prevent or prohibit:

(1) A franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards set forth in paragraph (c) of this section;

(2) A franchising authority from enforcing, through the end of the franchise term, pre-existing customer service requirements that exceed the standards set forth in paragraph (c) of this section and are contained in current franchise agreements;

(3) Any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not specifically preempted herein; or

(4) The establishment or enforcement of any State or municipal law or regulation concerning customer service that imposes customer service requirements that exceed, or address matters not addressed by the standards set forth in paragraph (c) of this section.

(c) Effective July 1, 1993, a cable operator shall be subject to the following customer service standards:

(1) Cable system office hours and telephone availability—

(i) The cable operator will maintain a local, toll-free or collect call telephone access line which will be available to its subscribers 24 hours a day, seven days a week.

(A) Trained company representatives will be available to respond to customer telephone inquiries during normal business hours.

(B) After normal business hours, the access line may be answered by a service or an automated response system, including an answering machine. Inquiries received after normal business hours must be responded to by a trained company representative on the next business day.

(ii) Under normal operating conditions, telephone answer time by a customer representative, including wait time, shall not exceed thirty (30) seconds when the connection is made. If the call needs to be transferred, transfer time shall not exceed thirty (30) seconds. These standards shall be met no less than ninety (90) percent of the time under normal operating conditions, measured on a quarterly basis.

(iii) The operator will not be required to acquire equipment or perform surveys to measure compliance with the telephone answering standards above unless an historical record of complaints indicates a clear failure to comply.

(iv) Under normal operating conditions, the customer will receive a busy signal less than three (3) percent of the time.

(v) Customer service center and bill payment locations will be open at least during normal business hours and will be conveniently located.

(2) Installations, outages and service calls. Under normal operating conditions, each of the following four standards will be met no less than ninety five (95) percent of the time measured on a quarterly basis:

(i) Standard installations will be performed within seven (7) business days after an order has been placed. "Standard" installations are those that are located up to 125 feet from the existing distribution system.

(ii) Excluding conditions beyond the control of the operator, the cable operator will begin working on "service interruptions" promptly and in no event later than 24 hours after the interruption becomes known. The cable operator must begin actions to correct other service problems the next business day after notification of the service problem.

(iii) The "appointment window" alternatives for installations, service calls, and other installation activities will be either a specific time or, at maximum, a four-hour time block during normal business hours. (The operator may schedule service calls and other installation activities outside of normal business hours for the express convenience of the customer.)

(iv) An operator may not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment.

(v) If a cable operator representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer will be contacted. The appointment will be rescheduled, as necessary, at a time which is convenient for the customer.

(3) Communications between cable operators and cable subscribers—

(i) Notifications to subscribers—

(A) The cable operator shall provide written information on each of the following areas at the time of installation of service, at least annually to all subscribers, and at any time upon request:

(1) Products and services offered;

(2) Prices and options for programming services and conditions of subscription to programming and other services;

(3) Installation and service maintenance policies;

(4) Instructions on how to use the cable service;

(5) Channel positions programming carried on the system; and,

(6) Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office.

(B) Customers will be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the cable operator. In addition, the cable operator shall notify subscribers thirty (30) days in advance of any significant changes in the other information required by the preceding paragraph.

(ii) Billing—

(A) Bills will be clear, concise and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills will also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

(B) In case of a billing dispute, the cable operator must respond to a written complaint from a subscriber within 30 days.

(iii) Refunds—Refund checks will be issued promptly, but no later than either—

(A) The customer's next billing cycle following resolution of the request or thirty (30) days, whichever is earlier, or

(B) The return of the equipment supplied by the cable operator if service is terminated.

(iv) Credits—Credits for service will be issued no later than the customer's next billing cycle following the determination that a credit is warranted.

(4) Definitions—

(i) *Normal business hours*—The term "normal business hours" means those hours during which most similar businesses in the community are open to serve customers. In all cases, "normal business hours" must include some evening hours at least one night per week and/or some weekend hours.

(ii) *Normal operating conditions*—The term "normal operating conditions" means those service conditions which are within the control of the cable operator. Those conditions which are *not* within the control of the cable operator include, but are not limited to, natural disasters, civil disturbances, power outages, telephone network outages, and severe or unusual weather conditions. Those conditions which *are* ordinarily within the control of the cable operator include, but are not limited to, special promotions, pay-per-view events, rate increases, regular peak or seasonal demand periods, and maintenance or upgrade of the cable system.

(iii) *Service interruption*—The term "service interruption" means the loss of picture or sound on one or more cable channels.

[FR Doc. 93-9056 Filed 4-16-93; 8:45 am]
BILLING CODE 6712-01-M

47 CFR Part 90

[PR Docket No. 93-35; FCC 93-171]

Channel Exclusivity for Qualified Private Carrier Paging Systems at 900 MHz

AGENCY: Federal Communications Commission.

ACTION: Final rule; acceptance of applications.

SUMMARY: By this Order, the Commission lifts the temporary freeze on applications for private paging licenses in the 929–930 MHz band. The freeze was imposed by a temporary rule as part of the Commission's Notice of Proposed Rule Making in this proceeding. Because the freeze may inadvertently be stranding investment in ongoing projects while delaying the ultimate provision of paging service to prospective customers, the Commission has decided to resume accepting 929–930 MHz applications as of the effective date of this Order.

This action is procedural in nature, and is therefore not subject to the notice and comment and effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553.

EFFECTIVE DATE: March 29, 1993.

FOR FURTHER INFORMATION CONTACT: David L. Furth, Private Radio Bureau, (202) 634-2443.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 29, 1993.

Released: April 6, 1993.

By the Commission:

1. On February 18, 1993, we adopted a Notice of Proposed Rule Making in this proceeding in which we proposed to grant channel exclusivity to qualified local, regional, and national private carrier paging (PCP) systems in the 929–930 MHz band.[1] In a temporary rule published in the Federal Register with the Notice, we imposed a freeze on all new applications at 929–930 MHz while the proposal was under consideration.[2] We considered such a temporary freeze to be in the public interest because of the potential impact of the proceeding on the availability of frequencies to both existing and future 900 MHz paging systems.[3]

2. Since the Notice was adopted, we have become aware that the freeze is impairing the ability of some PCP operators to develop or expand their systems based on plans formulated prior to the adoption of the Notice.[4] As a result, the freeze may inadvertently be stranding investment in ongoing projects while delaying the ultimate provision of paging service to prospective customers. This potential negative impact of the freeze is sufficiently widespread that we are concerned it may outweigh the public interest benefits that caused us to implement it.

3. Accordingly, we have decided to lift the freeze as of the effective date of this Order. To ensure equitable treatment of all parties, we prefer a total lifting of the freeze to a partial rollback that would apply to some but not others. Therefore, all 900 MHz paging applications found acceptable for filing will be processed in due course under our existing rules

4. The existing rules, we wish to emphasize, require all 900 MHz private paging frequencies to be shared and all licensees to cooperate in the selection and use of frequencies to minimize interference with each other.[5] We expect all parties in the application and coordination process to continue complying fully with these requirements while this proceeding is pending. In addition, we remind prospective applicants of our existing requirement that authorized stations be constructed and operating within eight months of licensing.[6] This rule will be strictly adhered to, and any licensee that fails to meet this requirement will be subject to automatic cancellation of its license.

5. Our lifting of the freeze is procedural in nature and should not be construed as in any way predetermining the outcome of the underlying rule making. As is the case with all existing authorizations, the status of any authorization granted in the wake of this Order is subject to change as a result of subsequent decisions made in this proceeding.

6. It is therefore ordered that, pursuant to the provisions of sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r), we will resume acceptance of applications for one-way paging licenses in the 929–930 MHz band as of the adoption date of this Order.

7. For further information, contact the Consumer Assistance Branch, Licensing Division, Private Radio Bureau, (717) 337–1212.

List of Subjects in 47 CFR Part 90

Business and industry, Channel exclusivity, Private carrier paging, Private land mobile radio services, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 93–9055 Filed 4–16–93; 8:45 am]

BILLING CODE 6712–01–M

[1] Notice of Proposed Rule Making, PR Docket No. 93–35, FCC 93–101 (adopted February 18, 1993, released March 31, 1993), 58 FR 17819 (April 6, 1993). See also, Rep. No. DC–2341, February 26, 1993.

[2] Notice, ¶ 41; Temporary rule, 58 FR 17787.

[3] *Id.*

[4] See, *e.g.*, March 16, 1993 letter to Ralph Haller, Private Radio Bureau Chief, from Jay Kitchen, President, National Association of Business and Educational Radio, Inc.

[5] Arch Capitol District, Inc., 3 FCC Rcd 6191 (1988). See 47 CFR 90.173 (a), (b).

[6] See 47 CFR 90.155(a).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 930483–3083]

Snapper-Grouper Fishery of the South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Final rule, technical amendment.

SUMMARY: NMFS issues this technical amendment to (1) remove language regarding verification by the Internal Revenue Service (IRS) of income or gross sales of fish documentation submitted in support of applications for Federal permits to engage in the commercial fishery for snapper-grouper off the southern Atlantic states and (2) correct language regarding NOAA charts to be used in determining applicability of the restriction on the use of longlines The intended effect of this rule is to conform the regulations to current practice and to clarify them.

EFFECTIVE DATE: April 19, 1993.

FOR FURTHER INFORMATION CONTACT: W. Perry Allen, 813–893–3722.

SUPPLEMENTARY INFORMATION: Snapper-grouper species off the southern Atlantic states are managed under the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Region, prepared by the South Atlantic Fishery Management Council, and its implementing regulations at 50 CFR part 646, under the authority of the Magnuson Fishery Conservation and Management Act.

The regulations at 50 CFR 646.4(a)(1) specify that for a person (1) to be eligible for exemption from the bag limits for snapper-grouper; (2) to engage in a directed fishery for tilefish in the exclusive economic zone (EEZ); or (3) to use a sea bass pot in the EEZ north of Cape Canaveral, Florida, a vessel permit for snapper-grouper, excluding wreckfish, must be issued to the vessel and be on board. To obtain a permit, the applicant must certify that more than 50 percent of his or her earned income was derived from commercial, charter, or headboat fishing or his or her gross sales of fish were more than $20,000 during one of the 3 calendar years preceding the application. The Director, Southeast Region, NMFS, requires the applicant to provide forms and schedules from his or her income tax return in support of the stated earned income/gross sales. The regulations at 50 CFR 646.4(b)(3) state, "Copies of income tax forms and schedules are treated as confidential, but may be released to and verified by the Internal Revenue Service." The language regarding release to and verification by IRS is removed to conform the regulations to current practice.

The regulations at 50 CFR 646.22(g)(1)(i)(A) prohibit the use of longlines to fish for fish in the snapper-grouper fishery in the EEZ where the charted depth is less than 50 fathoms (91.5 meters), "as shown on the latest editions of NOAA coast charts (1:80,000 scale)." NOAA coast charts of 1:80,000 scale do not cover all areas where the depths are 50 fathoms. Accordingly, the reference to coast charts (1:80,000 scale)

is replaced by reference to the largest scale NOAA chart of the location. This change will ensure that the chart with the greatest detail of depths is used.

Classification

This technical amendment is issued as a final rule under 50 CFR part 646 and complies with E.O. 12291.

Because this rule (1) makes non-substantive clarifications to the regulations and (2) does not change operating practices in the snapper-grouper fishery, the Assistant Administrator for Fisheries, NOAA, under section 553(b) (B) and (d) of the Administrative Procedure Act (5 U.S.C. 553) for good cause finds that it is unnecessary and contrary to the public interest to provide notice and public comment on this rule or to delay for 30 days its effective date.

This rule is minor and technical and, therefore, is not a "major rule" under E.O. 12291. There is no change in the regulatory impacts that were previously reviewed and analyzed.

Because this rule is being issued without prior public comment, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act and none has been prepared.

Because this rule makes no changes that were not analyzed in the environmental assessment documents previously prepared to comply with the National Environmental Policy Act, this rule is categorically excluded from the requirement to prepare an environmental assessment by NOAA Administrative Order 216–6.

This rule does not affect the coastal zone of any state with an approved coastal zone management program.

This rule does not contain a collection-of-information requirement subject to the Paperwork Reduction Act and does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 646

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: April 13, 1993.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 646 is amended as follows:

PART 646—SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

1. The authority citation for part 646 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 646.4, the last sentence of paragraph (b)(3) is revised to read as follows:

§ 646.4 Permits and fees.

* * * * *

(b) * * *

(3) * * * Copies of income tax forms and schedules are treated as confidential.

* * * * *

3. In § 646.22, paragraph (g)(1)(i)(A) is revised to read as follows:

§ 646.22 Gear restrictions.

* * * * *

(g) * * *

(1) * * *

(i) * * *

(A) Where the charted depth is less than 50 fathoms (91.5 meters), as shown on the latest edition of the largest scale NOAA chart of the location; or

* * * * *

[FR Doc. 93–9104 Filed 4–16–93; 8:45 am]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 58, No. 73
Monday, April 19, 1993

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 92-077-1]

Pink Bollworm Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the quarantine and regulations on the pink bollworm to remove restrictions on the interstate movement of okra seed. We believe this change is warranted because of the development of new seed-sorting technology, which allows the detection and separation of webbed seed containing the pink bollworm. This action would relieve restrictions while continuing to prevent the artificial spread of the pink bollworm.

DATES: Consideration will be given only to comments received on or before May 19, 1993.

ADDRESSES: Please send an original and three copies of your comments to Chief, Regulatory Analysis and Development, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92-077-1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect comments are encouraged to call ahead (202-690-2817) to facilitate entry into the comment reading room.

FOR FURTHER INFORMATION CONTACT: Mr. Sidney E. Cousins, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 644, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-6365.

SUPPLEMENTARY INFORMATION:

Background

The pink bollworm quarantine and regulations (contained in 7 CFR 301.52 *et seq.* and referred to below as the regulations) were established to prevent the artificial spread of the pink bollworm (*Pectinophora gossypiella* Saund). A dangerous insect harmful to cotton, okra, and certain other plants, the pink bollworm is not widely present or distributed in the Unites States. The regulations quarantine States of the United States infested with pink bollworm and restrict the interstate movement of regulated articles from quarantined States.

Section 301.52(b) lists regulated articles. These articles either are hosts of the pink bollworm or can harbor the pink bollworm; therefore, interstate movement of these articles is prohibited or restricted to prevent the interstate spread of the pink bollworm. Now, § 301.52(b) lists as a regulated article all parts of okra plants, except canned or frozen okra, and except fresh, edible fruits of okra destined for certain states during certain time periods. We are proposing to add an exception for okra seed.

In its larval stage, the pink bollworm spins a web around two or more okra seeds, then bores into the seed and uses it as a cocoon. For years, the industry had no practical way to separate okra seed containing the pink bollworm from seed that did not. The many technical advances that have been made in seed-sorting equipment now ensure that seed containing the pink bollworm is sorted out. These newly-developed seed sorters have a high level of sensitivity that enables them to identify a webbed seed based upon size and quality. We believe this new technology with its improved quality control has significantly reduced the chance that a webbed seed carrying a pink bollworm will be overlooked.

Discussions with industry representatives, State regulatory officials, and others indicate that nearly all okra seed is cleaned, sorted, or processed today using equipment that removes webbed okra seed, minimizing any pest risk associated with the seed. The small quantity of okra seed that is not processed in this manner is grown by home gardeners for personal use. Consequently, we believe the amount of unprocessed okra seed moving interstate from regulated areas to nonregulated areas is insignificant and does not appear to pose any significant pest risk.

Therefore, we are proposing to amend § 301.52(b) to remove the restrictions on the interstate movement of okra seed by adding it as an exception to the list of regulated articles.

Executive Order 12291 and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291, and we have determined that it is not a "major rule." Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million, would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In accordance with 5 U.S.C. 603, we have performed an Initial Regulatory Flexibility Analysis regarding the impact of this proposed rule on small entities.

The Secretary of Agriculture is authorized under the Plant Quarantine Act and the Federal Plant Pest Act to promulgate regulations prohibiting or restricting the movement of plant pests or products or other articles into the United States or interstate to prevent the introduction or dissemination of such plant pests. This proposed rule would primarily affect domestic okra seed producers.

This proposed rule would remove restrictions on the interstate movement of okra seed from regulated areas in Arizona, Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. Now, all okra seed produced in regulated areas in these States must be fumigated before being moved interstate. There are 5 to 10 farmers within the regulated areas in these States who produce about 95 percent of all the okra seed in the United States. Of this okra seed, 90 to 95 percent is shipped interstate. Based upon okra seed production only, all the farmers could be considered small businesses; however, only two or three

of those farmers can be considered "small" entities based upon their total farming income. For the majority, okra seed production is only a small part of their total production.

This proposed rule would save okra seed producers both time and money. The savings can include the cost of chemicals (for example, methyl bromide for fumigation), facility maintenance, and USDA inspection and transportation. Most of the farmers maintain fumigation facilities on-site. At least one farmer transports seed to a facility for fumigation under APHIS supervision. In either case, removal of the restriction on okra seed would result in time savings. Although the exact amount of time is hard to quantify, the affected farmers would save the time associated with transporting seed for fumigation or waiting for a USDA representative to oversee the fumigation. Depending upon the availability of an USDA representative, a farmer could wait an additional 3 weeks to move the okra seed interstate. The fumigation process itself takes about 3 days, with costs estimated at $200 to $300 per fumigation for time and equipment.

A large okra seed producer (owning 300 acres that produce between 240,000 to 360,000 pounds per year) could save several thousand dollars a year (including $1,000 to $1,500 per year in trucking costs). Actual cost savings would vary depending upon the size of the crop and the number of fumigations needed to cover the entire crop.

In 1991, one fumigation facility in Oklahoma treated 227,400 pounds of okra seed. The estimated direct cost to the Animal and Plant Health Inspection Service and the okra seed producers who used the facility was no more than $10,000. The okra seed producers who have on-site fumigation facilities would likely save a similar amount of money. Therefore, based upon eight producers each saving a maximum of $10,000, the total savings to the okra seed producers would be a maximum of $80,000.

Another consideration is the risk that fumigating with methyl bromide can kill the germinating capabilities of the okra seed if it is not allowed to dry sufficiently. This happens occasionally, caused more than $2,000 in losses per occurrence. The same losses can occur if the fumigation equipment malfunctions, possibly destroying the okra seed crop. There have been instances where the equipment has not functioned properly, and the seed was saved from destruction only by precautionary measures.

Additionally, because the farmers must delay harvesting to allow the seed to dry to a low moisture content before fumigation, some of the crop may be destroyed in the field during the harvesting process. This can amount to a loss of about $30 to $50 per acre, depending upon the yield per acre and the weather. The potential loss to a farmer with 300 acres can average about $9,000 to $15,000 annually. By removing this potential loss and the $10,000 fumigation cost, this proposed rule could result in a maximum possible savings of $25,000 per farmer per year ($200,000 per year for the entire industry).

In summary, removing the restrictions on okra seed would benefit farmers by saving them both time and money. Further, all affected entities, including seed companies, wholesalers, retailers and consumers, would benefit from the decrease in the time it takes to market the crop. Since about 95 percent of all okra seed is produced within the quarantined States, competition from other farmers outside these States is virtually nonexistent. Thus, any adverse effects caused by the removal of the regulation would be insignificant.

Two alternatives to the provisions in this proposed rule were considered. We considered removing restrictions on the interstate movement of only okra seed that is processed using the new technology. We rejected this alternative because nearly all okra seed is processed today using equipment that removes webbed okra seed. The amount of unprocessed okra seek moving interstate from regulated areas to nonregulated areas is insignificant and poses no significant pest risk. We also considered taking no action and continuing the restrictions on the interstate movement of okra seed from the quarantined States of Arizona, Arkansas, California, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas. This alternative was rejected because it would continue an unnecessary economic burden on okra seed producers in the quarantined States. This proposed rule was selected since it would allow the unrestricted interstate movement of okra seed while preventing the dissemination of the pink bollworm.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file a suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: 7 U.S.C. 150bb, 150dd, 150ee, 150ff; 161, 162, and 164–167; 7 CFR 2.17, 2.51, and 371.2(c).

2. In § 301.52, paragraph (b)(10)(i) would be amended by removing the word "and"; paragraph (b)(10)(ii)(B) would be amended by removing the "period" and adding "; and" in its place; and a new paragraph (b)(10)(iii) would be added to read as follows:

§ 301.52 Quarantine; restriction on interstate movement of specified regulated articles.

* * * * *

(b) * * *

(10) * * *

(iii) Okra seed.

* * * * * *

Done in Washington, DC, this 13th day of April 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–9098 Filed 4–16–93; 8:45 am]

BILLING CODE 3410–34–M

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9 CFR Part 113

[Docket No. 92–094–1]

Viruses, Serums, Toxins and Analogous Products; Revision of Standard Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to revise the standard requirement by eliminating the

need to use human red blood cells for hemadsorption tests for extraneous agents associated with the preparation of veterinary biologics. This change is necessary due to potential risks of transmitting human blood-borne diseases. The intended effect of this proposed rule would be to remove such risks.

DATES: Consideration will be given only to comments received on or before May 19, 1993.

ADDRESSES: Send an original and three copies to Chief, Regulatory Analysis and Development Staff, PPD, APHIS, USDA, room 804, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refer to Docket No. 92–094–1. Comments received may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Dr. Michele M. April, Senior Staff Veterinarian, Veterinary Biologics, BBEP, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–5863.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 113 contain standard requirements for evaluating veterinary biological products that are licensed by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), under the Virus-Serum-Toxin Act of 1913, as amended by the Food Security Act of 1985. Veterinary biological products must be demonstrated to be pure, safe, potent, and efficacious in order to be licensed.

In order to ensure that ingredients of these licensed products meet accepted standards, standard procedures and requirements that consist of established test methods, procedures, and criteria are established by APHIS for evaluating ingredients of veterinary biological products for purity and quality. Standard test requirements appear in the following sections: for primary cells in § 113.51, for cell lines in § 113.52, for ingredients of animal origin that are used for the production of biologics in § 113.53, and for the detection of extraneous agents in Master Seed Virus in § 113.55.

These standard test requirements include tests for detecting cytopathogenic agents or hemadsorbing agents, or both, in accordance with § 113.46, and for the detection of extraneous agents by the fluorescent antibody techniques in accordance with § 113.47.

As part of the test for hemadsorbing agents, an appropriate volume of a 0.2 percent red blood cell suspension is added to 7-day-old or older monolayers of cultured cells or cell cultures with neutralized Master Seed Virus. Suspensions of washed guinea pig, human type "O", and chicken red blood cells are required to be used. The monolayers of cultured cells are incubated at 4 degrees Celsius for 30 minutes, washed with saline, and examined for hemadsorption (adherence to red blood cells). If hemadsorption attributable to an extraneous agent is found, and cannot be eliminated, the materials are declared unsatisfactory for use in the preparation of veterinary biologics.

Historically, the three aforementioned sources of red blood cells have been used to detect possible hemadsorbing agents. As newer information became available from research and the experience of scientists in both Federal government and manufacturers' laboratories, it became apparent that guinea pig and chicken red blood cells are capable of detecting all relevant hemadsorbing agents. These include the orthomyxoviruses, paramyxoviruses, and togaviruses.

Previously, there was no concern with the use of human red blood cells in performing these test. However, concern has developed recently that some human blood may carry the human immunodeficiency virus or the hepatitis virus. Such contamination could result in the potential exposure of laboratory workers to these pathogenic agents.

Since the use of human blood offers no additional benefit over that of animal blood, and human blood poses potential risks to laboratory workers, we are proposing to remove the requirement for the use of human type "O" blood from § 113.46(b)(2).

Regulatory Reform: Less Burdensome or More Efficient Alternatives

The Department of Agriculture is committed to carrying out its statutory and regulatory mandates in a manner that best serves the public interest. Therefore, where legal discretion permits, the Department actively seeks to promulgate regulations that promote economic growth, create jobs, are minimally burdensome, and are easy for the public to understand, use, or comply with. In short, the Department is committed to issuing regulations that maximize net benefits to society and minimize costs imposed by those regulations. This principle is articulated in President Bush's January 28, 1992, memorandum to agency heads, and in Executive Orders 12291 and 12498. The Department applies this principle to the full extent possible, consistent with law.

The Department has developed and reviewed this regulatory proposal in accordance with these principles. Nonetheless, the Department believes that public input from all interested persons can be invaluable to ensuring that the final regulatory product is minimally burdensome and maximally efficient. Therefore, the Department specifically seeks comments and suggestions from the public regarding any less burdensome or more efficient alternative that would accomplish the purposes described in the proposal. Comments suggesting less burdensome or more efficient alternatives should be addressed to the agency as provided in this Notice.

Executive Order 12291, Executive Order 12778, and Regulatory Flexibility Act

We are issuing this proposed rule in conformance with Executive Order 12291 and Departmental Regulation 1512–1 and have determined that it is not a "major rule". Based on information compiled by the Department, we have determined that this proposed rule would have an effect on the economy of less than $100 million; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not cause a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

The proposed amendment, if adopted, would decrease the amount of testing performed by manufacturers of veterinary biological products.

Currently, the 200 manufacturers of veterinary biological products are required to use human red blood cells in testing. We are proposing to remove this specific requirement in § 113.46.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service had determined that this action would not have a significant economic impact on a substantial number of small entities.

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with

this rule. There are no administrative proceedings which must be exhausted prior to any judicial challenge to the regulations under the proposed rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

Executive Order 12372

This program/activity is listed in the category of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

List of Subjects in 9 CFR Part 113

Animal biologics, Exports, Imports, and Reporting and recordkeeping requirements.

Accordingly, we are proposing to amend 9 CFR part 113 to read as follows:

PART 113—STANDARD REQUIREMENTS

1. The authority citation for part 113 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.17, 2.51 and 371.2(d).

2. In § 113.46, paragraph (b)(2) would be revised to read as follows:

§ 113.46 Detection of cytopathogenic and/or hemadsorbing agents.

* * * * *

(b) * * *

(2) Add an appropriate volume of a 0.2 percent red blood cell suspension to uniformly cover the surface of the monolayer of cultured cells. Suspensions of washed guinea pig and chicken red blood cells shall be used. These suspensions may be mixed before addition to the monolayer or they may be added separately to individual monolayers.

* * * * *

Done in Washington, DC, this 13th day of April 1993.

Kenneth C. Clayton,

Acting Assistant Secretary, Marketing and Inspection Services.

[FR Doc. 93–9099 Filed 4–16–93; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 170 and 171

RIN 3150–AE54

NRC Fee Policy; Request for Public Comment

AGENCY: Nuclear Regulatory Commission.

ACTION: Request for public comment.

SUMMARY: The Nuclear Regulatory Commission (NRC) is soliciting public comment on the need for changes to its fee policy and associated legislation. This action responds to recent legislation that requires NRC to review its policy for assessment of annual fees, solicit public comment on the need for changes to this policy, and recommend to the Congress the changes in existing law the NRC finds are needed to prevent the placement of an unfair burden on NRC licensees. The NRC is presenting various options, alternatives, and questions for consideration and comment concerning potential legislative changes as well as potential policy changes that would require amendments to NRC's fee regulations. The NRC is also announcing the receipt of and requesting comment on a petition for rulemaking submitted by the American Mining Congress (PRM–170–4) that requests that NRC conduct a rulemaking to evaluate its fee policy.

DATES: The comment period expires July 19, 1993. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure only that comments received on or before this date will be considered. Given the relatively long comment period, requests for extensions of the comment period will not be viewed with favor.

ADDRESSES: Submit written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, ATTN: Docketing and Service Branch.

Hand deliver comments to: 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. Federal workdays. (Telephone 301–504–1678).

Copies of comments received may be examined at the NRC Public Document Room at 2120 L Street, NW., Washington, DC 20555, in the lower level of the Gelman Building.

FOR FURTHER INFORMATION CONTACT: C. James Holloway, Jr., Office of the Controller, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone 301–492–4301.

SUPPLEMENTARY INFORMATION:

Background

Public Law 101–508, the Omnibus Budget Reconciliation Act of 1990 (OBRA–90), November 5, 1990, requires that the NRC recover approximately 100 percent of its budget authority less the amount appropriated from the Department of Energy (DOE) administered Nuclear Waste Fund (NWF) for FYs 1991 through 1995 by assessing fees. The NRC assesses two types of fees to recover its budget authority. First, license and inspection fees, established in 10 CFR part 170 under the authority of the Independent Offices Appropriation Act (IOAA) (31 U.S.C. 9701), recover the NRC's costs of providing individually identifiable services to specific applicants and licensees. The services provided by the NRC for which these fees are assessed are generally for the review of applications for and the issuance of new licenses or approvals, amendments to licenses or approvals, and inspections of licensed activities. Second, annual fees, established in 10 CFR part 171 under the authority of OBRA–90, recover generic and other regulatory costs not recovered through 10 CFR part 170 fees.

Subsequent to enactment of OBRA–90, the NRC published three final fee rules after evaluation of public comments. On July 10, 1991 (56 FR 31472), the NRC published a final rule in the **Federal Register** which established the 10 CFR part 170 professional hourly rate and the materials licensing and inspection fees, as well as the 10 CFR part 171 annual fees to be assessed to recover approximately 100 percent of the FY 1991 budget. In addition to establishing the FY 1991 fees, the final rule established the underlying basis and method for determining the 10 CFR part 170 hourly rate and fees, and the 10 CFR part 171 annual fees. Portions of the 1991 rule were recently remanded to the Commission for reconsideration as a result of the Court's decision in *Allied-Signal* v. *NRC*, (D.C. Cir. March 16, 1993). A separate **Federal Register** notice addressing the remand issues will be published in April, 1993.

On April 17, 1992 (57 FR 13625), the NRC published in the **Federal Register** two limited changes to 10 CFR parts 170 and 171. The limited changes became effective May 18, 1992. The limited change to 10 CFR part 170 allowed the NRC to bill quarterly for those license fees that were previously billed every six months. The limited change to 10 CFR part 171 adjusted the maximum annual fee of $1,800 assessed a materials licensee who qualifies as a

small entity under the NRC's size standards. A lower tier small entity fee of $400 per licensed category was established for small businesses and non-profit organizations with gross annual receipts of less than $250,000 and small governmental jurisdictions with a population of less than 20,000.

On July 23, 1992 (57 FR 32691), the NRC published a final rule in the Federal Register that established the licensing, inspection, and annual fees necessary for the NRC to recover approximately 100 percent of its budget authority for FY 1992. The basic methodology used in the FY 1992 rule was unchanged from that used to calculate the 10 CFR part 170 professional hourly rate, the specific materials licensing and inspection fees in 10 CFR part 170, and the 10 CFR part 171 annual fees in the final rule published July 10, 1991 (56 FR 31472).

Purpose

On October 24, 1992, the Energy Policy Act was enacted. Section 2903(c) of the Act requires the NRC to review its policy for assessment of annual fees under section 6101(c) of the Omnibus Budget Reconciliation Act of 1990, solicit public comment on the need for changes to this policy, and recommend changes in existing law to the Congress the NRC finds are needed to prevent the placement of an unfair burden on certain NRC licensees, particularly those who hold licenses to operate Federally owned research reactors used primarily for educational training and academic research purposes. The Act also exempted from fees certain Federally owned research reactors used primarily for educational purposes. On February 4, 1993, the NRC received a petition for rulemaking submitted by the American Mining Congress (AMC). The petition was docketed as PRM–170–4 on February 12, 1993. The petitioner requested that the NRC amend 10 CFR parts 170 and 171 concerning fees for facilities, materials licenses, and other regulatory services under the Atomic Energy Act of 1954, as amended. The petitioner requested this action to mitigate alleged inequities and problems with the present fee system. Because the issues raised by the petitioner concern the same subjects as the fee policy review required by the Energy Policy Act, the NRC is announcing receipt of the petition and requesting public comment on the issues raised in PRM–170–4 in this document.

The purpose of this notice is to solicit public comment on the need, if any, for changes to the existing NRC fee policy and associated laws in order to comply with section 2903(c) of the Energy Policy Act and to respond to the AMC petition.

In the legislative area, the NRC encourages commenters not to address the public policy issue of whether the Federal government should fund its activities through user fees rather than assessing taxes on the general population. Instead, the NRC asks that commenters focus on this central question: "Given that user fees will be assessed to NRC licensees, what specific legislative or NRC policy changes are needed to eliminate any unfair burden?"

With respect to suggested amendments to the fee policies set forth in 10 CFR parts 170 and 171, comments that request a fee reduction for one licensee or a class of licensees should explicitly indicate who should be assessed the budgeted costs for the proposed fee reductions in order to recover 100 percent of the NRC budget authority. It should be noted that any changes to the existing 10 CFR parts 170 and 171 would require notice and public comment before the changes are made.

The NRC has had two years of experience in implementing the requirement of OBRA–90 to recover approximately 100 percent of the NRC budget authority. During that time, the NRC has evaluated over 500 public comments on fee related rules; responded to several hundred requests for exemptions, letters from licensees, and letters from the Congress; and responded to thousands of telephone calls from licensees concerning the assessment of annual fees. Many of these comments and letters expressed concern about the burden of fees.

Based on previous public comments and letters, the NRC has developed potential options and alternatives for change as well as questions for further consideration and comment by the public. While comments may be made on any and all aspects of the NRC fee policy and the existing laws upon which the fees are based, it would be particularly helpful to the NRC if the comments addressed the specific items identified in this document. This would facilitate the process of analyzing and evaluating the comments in an efficient and timely manner. This would also enable the NRC to provide the Congress with specific recommendations concerning any legislative changes to OBRA–90, and the Atomic Energy Act.

Although the Energy Policy Act requires only comments on the annual fees assessed by the NRC under section 6101(c) of OBRA–90 and 10 CFR part 171, the NRC is also seeking comments on whether or not to broaden the scope of 10 CFR part 170 to recover some costs that are currently recovered as annual fees under 10 CFR part 171. These costs are associated with specific NRC actions for specific applicants, licensees, or other organizations.

Four Major Areas of Concern Identified By NRC

To assist in focusing comment, the NRC has identified four broad areas where previous public comment or concern indicated that the fees may place an unfair burden on licensees. The areas include (1) the surcharge assessed to certain licensees under 10 CFR part 171 and the generic regulatory costs that support the Agreement States; (2) fluctuating annual fees; (3) simplifying the development of annual fees; and (4) the recovery of some costs for specific identifiable services through annual fees.

I. Annual Fee Surcharge and Regulatory Support of Agreement States

Both the Congress and the NRC have recognized that the NRC budget includes costs for required NRC activities but for which the costs cannot be attributed to existing NRC licensees. According to the Conference Report accompanying OBRA–90, "increasing the amount of recovery to 100 percent of the NRC's budget authority will result in the imposition of fees upon certain licensees for costs that cannot be attributed to those licensees or classes of licensees." The Conference Report further stated that: "The conferees intend the NRC to fairly and equitably recover these expenses from its licensees through the annual charge even though these expenses cannot be attributed to individual licensees or classes of licensees." Therefore, to implement 100 percent fee recovery, the NRC must impose the cost of some activities on licensees who neither requested nor derive direct benefit from those activities. In addition, the Commission has made certain policy decisions that result in charging fees to licensees for activities that do not provide regulatory support to those licensees. Under OBRA–90, the costs of those activities can only be recovered by assessing annual fees to existing NRC licensees. To recover these types of costs, the NRC assesses a surcharge to certain licensees.

Activities Included In The Current Surcharge

The following discussion presents the three broad categories of activities that are included in the current annual fee surcharge:

1. *Activities not associated with an existing NRC licensee or class of*

licensees. The first major category of costs covers those NRC activities that cannot be attributed to an existing NRC licensee or class of licensees. This category includes international, Agreement State, generic low-level waste (LLW), and generic uranium enrichment activities.

Some international activities are not directly tied to an individual licensee or class of licensees. These activities include some safety assistance provided to foreign countries and some non-proliferation reviews.

In addition, the NRC's budgeted costs for administering the Agreement State program are attributed only to Agreement State licensees. Only Agreement State licensees benefit from this program. Because Agreement State licensees are not NRC licensees, they cannot be charged an annual fee under OBRA–90.

The three existing LLW disposal facilities are licensed by Agreement States. Two of these facilities also have NRC licenses for disposal of special nuclear material. Therefore, the NRC generic LLW regulatory activities do not fully support an existing NRC licensee or class of licensees. However, some NRC licensees, as well as Agreement State licensees, will indirectly receive the benefits from these NRC LLW expenditures because they will dispose of LLW at sites that are expected to be licensed in the future.

Another area where NRC is establishing the regulatory framework to regulate future licensees is uranium enrichment. Although an application has been filed for an enrichment facility, the license has not been issued and, therefore, there is no uranium enrichment licensee that may be assessed an annual fee for these generic activities. Under OBRA–90, annual fees can only be charged to licensees, not to license applicants.

For FY 1992, approximately $14 million was included in the power reactor surcharge for this category; approximately $4 million was assessed as a surcharge to classes of nonreactor licensees that generate low level waste; and $3 million for administering the Agreement State program was included in the NRC professional hourly rate and assessed to all licensees.

2. *Specific applicants and licensees or classes of licensees that are not subject to fee assessment under IOAA or other law.* The second major category of costs covers those activities for which the NRC is unable, on the basis of existing law, to charge a fee to specific applicants or licensees even though they receive an identifiable service from the NRC. These activities involve licensing reviews and inspections for Federal agencies other than the Tennessee Valley Authority (TVA) and the United States Enrichment Corporation.[1] In addition, the Energy Policy Act exempted from annual fees certain Federally owned research reactors used primarily for educational training and academic research purposes.

With regard to Federal agencies, the NRC performs licensing and inspection activities, and conducts other reviews for which fees, except for IOAA prohibitions, would normally be charged under 10 CFR part 170. For example, the NRC reviews DOD/DOE Naval reactor projects; issues licenses to and conducts inspections of Federal nuclear materials users, for example, Veterans Administration hospitals, Army irradiators, and NASA radiographers; and performs safety and environmental reviews of DOE West Valley and uranium mill tailings actions as required by the West Valley Demonstration Project Act and the Uranium Mill Tailing Radiation Control Act (UMTRCA), respectively. The NRC also reviews advanced reactor designs submitted by DOE.

The IOAA prohibits the NRC from assessing 10 CFR part 170 fees to Federal agencies for the costs of these activities. The Energy Policy Act prohibits the assessment of 10 CFR part 171 annual fees to certain Federally owned research reactors used primarily for educational purposes. Therefore, under OBRA–90, the NRC must assess annual fees to other licensees to recover the costs of these activities in order to comply with the 100 percent recovery requirement.

For FY 1992, approximately $4 million was included in the surcharge for operating power reactors for this category of NRC activities.

3. *Activities relating to applicants and licensees currently exempt from 10 CFR parts 170 and 171 fees or assessed reduced annual fees for small entities based on current Commission policy.* The third major category of costs covers those activities for which specific applicants or licensees receive NRC services and could be assessed fees. However, as a result of existing Commission fee exemption and fee reduction policy decisions, certain licensees are exempt from fees or pay reduced annual fees.

Nonprofit educational institutions, for example, certain nonpower reactor and nuclear material users, are exempted from 10 CFR part 170 licensing and inspection fees and 10 CFR part 171 annual fees. The Commission has also reduced the annual fees for those licensees who can qualify as a small entity under the Commission's regulations. This action is consistent with the requirements of the Regulatory Flexibility Act of 1980 that agencies consider the impact of their actions on small entities.

For FY 1992, approximately $7 million in NRC costs for nonprofit educational institutions was assessed as a surcharge to operating power reactors and approximately $6 million in reduced fees for small entities was assessed as a surcharge to all licensees that are not small entities.

Activities That Support Both NRC and Agreement State Applicants and Licensees

This area covers generic activities that are attributed to a specific class of NRC licensees but also support Agreement State licensees. These activities are associated with the NRC nuclear materials and uranium recovery regulatory program.

The NRC performs generic regulatory activities for nuclear materials users and uranium recovery licensees such as conducting research, developing regulations and guidance, and evaluating operational events. These generic activities provide the basis for NRC to regulate its approximately 7,000 materials and uranium recovery licensees, as well as for the twenty-nine Agreement States to regulate their 16,000 materials licensees. However, under OBRA–90, the NRC cannot charge the Agreement State licensees an annual fee to recover a portion of the cost of these activities because they are not NRC licensees. Therefore, only about 30 percent (7,000 NRC licensees of the total population of 24,000) of the licensees can be assessed an annual charge to recover the cost of generic activities that support both NRC and Agreement State licensees. NRC licensees have indicated that this creates an unfair burden and competitive disadvantage for them. This means that about 70 percent of the generic regulatory costs (about $23 million) that are included in the annual fees for NRC materials and uranium recovery licensees could be considered as an unfair burden.

Legislative options. The NRC has identified the following legislative

[1] Section 161w. of the Atomic Energy Act authorizes the NRC to impose fees under 10 CFR part 170 on a Federal agency that applies for or is issued a license for a utilization facility designed to produce electrical or heat energy (e.g., licensing reviews and inspections of TVA's nuclear power plants) or which operates any facility regulated under sections 1701 or 1702 of the Atomic Energy Act (the enrichment facilities of the United States Enrichment Corporation).

options to address the issues discussed above.

1. Modify OBRA–90 to eliminate the costs of certain activities from the fee base so that the NRC is required to collect approximately 100 percent of its budget, less appropriations from the Nuclear Waste Fund (NWF) and the budgeted costs for other activities that would be specified by the NRC. With respect to this alternative, the NRC is particularly interested in receiving public comment on the following question: Should OBRA–90 be modified to remove all specified activities identified in the four items above from the fee base? If all four activities are excluded, approximately $61 million, based on the FY 1992 budget, would be removed from the fee base.

2. Modify OBRA–90 to permit the NRC to assess annual fees to organizations other than NRC licensees and approval holders that benefit from regulatory activities. For example, if this alternative is pursued, it could result in the NRC charging generic regulatory costs to NRC applicants. This would mean that the first applicant for a new class of license could be required to pay for all NRC regulation development and research costs to put a regulatory program in place to regulate an entire class of licensees.

3. Modify the Atomic Energy Act to permit the NRC to assess 10 CFR part 170 fees to Federal agencies, other than those that already are subject to such assessments, for identifiable services such as reviews, approvals and inspections where direct recovery for these costs is currently prohibited by IOAA. This would result in approximately $4 million in additional fees being collected from Federal agencies.

Policy changes. Policy changes to address the concerns with the surcharge include the elimination of exemptions currently contained in 10 CFR parts 170 and 171. This would include, for example, elimination of the exemption for nonprofit educational institutions.

II. Fluctuating Annual Fees

The amount of the annual fees fluctuates depending on the amount of the budget and the number of licensees available to pay the relatively fixed generic and other regulatory costs. Changes in the budget and the number of licensees can cause relatively large changes in the amounts of the annual fees. For example, the FY 1992 annual fee for some licensees increased by 50 percent due to these factors. Because of the timing of Congressional approval of the NRC's budget, it is not possible to give licensees much advance notice of these increases. Licensees have complained that it is unfair for the NRC to assess such large increases because they do not have sufficient warning to adjust prices and contracts to recover the increases.

Legislative Option

To minimize the potential of large increases in annual fees, one option would be to modify OBRA–90 to limit the annual fee increase for each class of licensees. Any cost not recovered as a result of this limitation would be excluded from the fee base. If this legislative option is pursued, should the increase be limited to the increase as reflected by the Consumer Price Index or some other fixed percentage, for example, 25 percent?

III. Simplifying the Development of Annual Fees

OBRA–90 requires that annual fees be established by rulemaking. Therefore, the NRC must publish a proposed rule for comments, evaluate the comments, and issue a final rule each year, even though the basic fee methodology and policy are unchanged from the previous year. This results in extra staff effort and delay in establishing the annual fees for a particular year.

In addition, the NRC has received comments indicating that the annual fees for operating power reactor licensees and fuel cycle licensees should be simplified. They point out that annual fees for the operating power reactor class of licensees are determined in three ways. First, within the operating power reactor class, a distinction is made between the four vendor groups, that is, Babcock & Wilcox, Combustion Engineering, General Electric, and Westinghouse. Second, within each vendor group, a distinction is made by the type of containment, for example, General Electric Mark I, II and III. Third, a distinction is made based on location of the reactor, that is, whether or not it is located east or west of the Rocky Mountains. As a result, the amount of the fees for any one vendor with a specific containment type could vary significantly from year to year leading one commenter to conclude that the "variability of the difference is greater than the attempted refinement" (56 FR 31479; July 10, 1991). Similarly, for the class of fuel cycle facilities a distinction is made between high enriched fuel fabrication, low enriched fuel fabrication, UF_6 conversion facilities and other fuel facility licensees. NRC's safety and safeguards budgeted costs are separately allocated to these classes.

The NRC is seeking comment on ways to simplify the process of establishing annual fees and simplifying the method for determining annual fees for operating power reactors and fuel fabrication licensees without causing an unfair burden.

Legislative Option

To simplify the process one option is to modify OBRA–90 so fee schedules can be published without soliciting public comment, provided the basic fee methodology and policies remain unchanged from the previous year.

Policy Changes

One option to address the different annual fees for various classes of operating power reactors and fuel facility licensees is to modify 10 CFR 171 to assess one uniform annual fee for all operating power reactors and one uniform annual fee for all fuel facilities.

IV. Expanded Scope for 10 CFR Part 170

The authority for NRC's assessment of the 10 CFR part 170 licensing, approval, and inspection fees by the NRC is the IOAA. The 10 CFR part 170 fees are assessed for specific services rendered by the NRC to identifiable applicants and licensees. Two Supreme Court cases and four Circuit Court decisions relating to the Federal Communications Commission (FCC) and the Federal Power Commission (FPC) fees assessed under the authority of the IOAA, as well as a Fifth Circuit Court of Appeals case relating to IOAA-type NRC fees, have provided additional guidance to the NRC in fee assessment under 10 CFR part 170. The past and current 10 CFR part 170 fees were established based on these court decisions.

Based on the courts' guidance, NRC IOAA-type fees have been structured and are assessed for the review of applications for and the issuance of (1) new licenses; (2) amendments and renewals to existing licenses; (3) approvals, such as topical reports; and (4) for inspections. Under the current 10 CFR part 170 fee policy, an application must be filed for a new license, an amendment, renewal, or approval; or an inspection must be conducted by the NRC in order for a 10 CFR part 170 fee to be assessed.

The courts' decisions on which the current 10 CFR part 170 fees are based were issued before the OBRA–90 requirement to recover 100 percent of the NRC's budget authority through fees. Because there are instances where NRC performs specific services for identifiable applicants, licensees, or other organizations that do not meet existing policy for assessing 10 CFR part

170 fees, the costs of these services are recovered through 10 CFR part 171 annual fees assessed to all licensees in a particular class. If the costs of these types of activities were recovered under 10 CFR part 170, the annual fee would be decreased.

The NRC is seeking comments on the option of broadening the scope of 10 CFR part 170 to recover costs incurred for specific actions for identifiable recipients because of the interrelationship of 10 CFR parts 170 and 171 in recovering 100 percent of the NRC budget authority. Some of these activities are identified and listed below. The listing provided is not intended to be all-inclusive.

1. Incident Investigation Teams (IITs)

The purpose of the agency's incident investigation program is to investigate significant operational events involving power reactors and other facilities in a systematic and technically sound manner. Causes of the events are determined so the NRC can take corrective actions. An incident investigation team investigates events of a potentially major significance. Currently the costs of these investigations are recovered through annual fees.

2. Vendor Inspections

NRC conducts inspections of suppliers of nuclear components, materials, and services in response to specific hardware failures, regulatory concerns, or allegations to determine whether these suppliers are in compliance with applicable NRC and industry requirements. Currently part 170 fees are not assessed for these inspections because vendors are not applicants or licensees of the Commission. The costs of these inspections are recovered through annual fees assessed to power reactors.

3. Allegations

NRC conducts investigations of allegations of wrongdoing by NRC licensees and others within its regulatory jurisdiction. NRC also conducts inspections of allegations made by third parties regarding specific licensees. Not all allegations are substantiated. The Commission previously decided it would not charge 10 CFR part 170 fees for inspections resulting from third party allegations (49 FR 21298; May 21, 1984). The budgeted costs for these investigations are recovered from each class of licensee through annual fees.

4. Site Decommissioning Management Plan (SDMP)

NRC performs reviews and conducts inspections with respect to those companies identified in the Site Decommissioning Management Plan to ensure the clean-up of the sites. Currently, 10 CFR part 170 fees are not assessed because the companies are not NRC applicants or licensees. The budgeted costs for these reviews and inspections are recovered from fuel facilities and materials licensees through annual fees.

5. Reviews That Do Not Result in Formal NRC Approvals

The NRC performs reviews that do not result in the issuance of formal or legal approvals. For example, the NRC staff reviews the results of the Individual Plant Exams (IPE) submittals requested by a generic letter and prepares a draft Safety Evaluation Report (SER) on the findings. 10 CFR part 170 fees are not assessed because the IPE review does not result in a letter of approval or an amendment to the technical specifications or license. NRC also conducts Probabilistic Risk Analysis (PRA) reviews of specific reactors. These reviews have resulted in the generation of a SER. The SER provides a general description of the staff's conclusions on the strengths and weaknesses of the PRA, with more specific conclusions on areas identified by NRC as subject to potential licensing action, such as changes in the technical specifications. 10 CFR part 170 fees are not assessed because the review does not result in a letter of approval or an amendment to the technical specifications or license. Another example is NRC's review of financial assurance/decommissioning funding plans or medical quality management programs. NRC review of such submittals does not result in an approval or license amendment. Therefore, no 10 CFR part 170 fee is currently assessed. To recover 100 percent of the budget authority, the budgeted costs for these reviews are recovered through annual fees.

6. Orders to Licensees and Amendments Resulting From Those Specific Orders

NRC issues orders to licensees and reviews and approves amendments to licenses resulting from the specific orders. Under current policy (contained in footnote 1 to § 170.21 and footnote 2 to § 170.31), 10 CFR part 170 fees are not assessed for the orders or amendments resulting from the orders because the NRC, on its own initiative, issues an order. The order is not incident to a voluntary act because the licensee does not request it. Similarly, amendments resulting from orders are not assessed 10 CFR part 170 fees because such amendments are not filed voluntarily by the licensee but are filed as a requirement of the order. The budgeted costs of these activities are recovered through annual fees to all licensees.

7. Contested Hearings

Contested hearings are conducted by the NRC on specific applications, usually at the request of intervenors. The Commission previously decided not to charge fees for contested hearings because a hearing gives the public an opportunity to intervene or participate in the licensing process and serves an educational purpose (42 FR 22159; May 2, 1977). The budgeted costs are recovered through annual fees assessed to all licensees of a particular class.

Policy Changes

One option to address the actions for applicants, licensees, or other organizations identified above is to modify 10 CFR part 170 to recover the costs incurred for specific actions from the identifiable recipients.

American Mining Congress Petition (PRM–170–4)

The Petitioner

The American Mining Congress (AMC), which filed a petition for rulemaking on February 4, 1993, is a national trade association of mining and mineral processing companies that includes owners and operators of uranium mills, mill tailings sites, and *in situ* uranium production facilities who are NRC licensees. Members of the AMC who use byproduct radioactive materials must be licensed by either the NRC or an Agreement State. Because the issues raised by the petition concern the same subject as the Energy Policy Act fee requirement, the NRC is also requesting public comment on the issues raised in PRM–170–4 in this document.

Adverse Impacts on the Petitioner

The AMC has submitted this petition for rulemaking on behalf of its members that hold NRC licenses because it believes they have been adversely affected by the current license fee rule. The petitioner states that many of its members who hold NRC licenses are Class I uranium recovery sites that have ceased operations and are waiting for NRC approval of reclamation plans, or are on standby. The petitioner believes it unfair that these facilities must

continue to pay the NRC an annual fee because they no longer generate revenue and require very little NRC supervision. The petitioner also asserts that some of these facilities have been awaiting NRC approval of final reclamation plans for as long as six or seven years, but in the meantime must continue to pay the NRC an annual fee.

The Petitioner's Concerns

The petitioner's primary concern is that a system that allows an agency to recover 100 percent of its costs invites regulatory abuse as there are no safeguards present to ensure that fees are collected in relation to the amount of necessary NRC oversight and regulation. The petitioner states that, under the current fee system, the NRC is not accountable to anyone and has no oversight or quality control for inspection efforts. There are no limits on how often inspections occur, no provisions for licensees to object to costs, and no assurance for expeditious service by the NRC.

The petitioner claims the NRC is violating the "fundamental principle of law" that a reasonable relationship must exist between the cost to licensees of a regulatory program and the benefit derived from the regulatory services. The petitioner believes the 67 percent increase in fees for Class I facilities over the prior year is excessive in comparison with the 6 percent increase in the annual NRC appropriation. The petitioner believes that fee increases should be consistent with the NRC practice of using the consumer price index for annual adjustment of surety bonds. The petitioner believes the annual fee is exorbitant for Class I uranium recovery sites, especially those that have ceased operations and have been waiting for several years for NRC approval of reclamation plans.

The petitioner also states that the $123 hourly charge for regulatory services is excessive for NRC staff efforts and notes that such an amount is equivalent to the rate charged by a senior consultant at a nationally recognized consulting firm.

The Petitioner's Proposals

The petitioner requests that 10 CFR parts 170 and 171 be amended to alleviate the inequitable impacts of NRC-imposed fees on its members, specifically for Class I uranium recovery sites that have ceased operation and await NRC approval of reclamation plans. The petitioner also suggests that the NRC implement certain standards for services provided. The petitioner offers the following specific suggestions for ensuring that the fee schedule bears a reasonable relationship to the benefit provided by NRC oversight and regulation.

1. The petitioner suggests the implementation of a system that allows NRC licensees to have some control over fees they are assessed. According to the petitioner, no rational relationship exists between the fees charged by the NRC and the benefits derived by its licensees. A licensee review board should be established that reviews the NRC fee system annually, monitors NRC inspection activities to prevent regulatory abuse, and proposes revisions to the fee system to eliminate inequitable treatment of licensees.

2. The petitioner suggests that the NRC develop a consistent method for applying charges. The petitioner believes that the NRC should supply licensees with a cost sheet that describes charges for various types of services and a specific response interval schedule that prescribes deadlines for all NRC regulatory services. This would eliminate inequities that may occur when the processing of simple amendment requests takes some NRC staff members longer than others to complete. The petitioner also suggests that the NRC establish time limits for processing, such as 30 days for simple license amendment requests, and publish the response times for various regulatory services in a table that would be distributed to licensees.

3. The petitioner suggests that the NRC provide a more complete and detailed accounting of the services it provides. Currently, the NRC lists only the hours spent and the hourly rate on bills sent to licensees. In addition to simply listing the time spent and the hourly rate, the petitioner believes that NRC charges should be itemized to also include a description of the work performed, the name(s) of the individual(s) who performed the work, and the dates on which the work was performed.

4. The petitioner suggests that the NRC eliminate factors that contribute to the inequitable treatment of licensees. The petitioner believes that fees should be waived for facilities that no longer generate revenue and require very little NRC supervision, such as for uranium fuel cycle sites that have ceased operation and are waiting for NRC approval of reclamation plans. According to the petitioner, the intent of Congress in enacting the Omnibus Budget Reconciliation Act of 1990 was that non-power reactor facilities should be exempt for the most part from annual fees because they comprise less than three percent of the NRC's regulatory costs. The petitioner also believes that the Department of Energy (DOE) is improperly receiving NRC oversight and review of its mill tailing site reclamation activities without being charged fees by the NRC. Furthermore, NRC attention to DOE sites prevents adequate NRC resources to be committed to address private sector licensing matters, resulting in exorbitant costs to certain NRC licensees who must continue to pay the NRC fees for many years while awaiting NRC action.

The Petitioner's Conclusion

The petitioner has identified several significant adverse impacts which it claims have affected its members as a result of the current NRC fee system which provides for inequitable treatment of licensees and the potential for regulatory abuse. The petitioner believes that the fees imposed by the NRC unfairly burden its uranium recovery facilities that have ceased operation and are awaiting NRC approval of reclamation plans, in some cases for many years. The petitioner requests that the NRC consider its proposals to amend the rules in 10 CFR parts 170 and 171.

List of Subjects

10 CFR Part 170

Byproduct material, Import and export licenses, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

10 CFR Part 171

Annual charges, Byproduct material, Holders of certificates, registrations, approvals, Intergovernmental relations, Non-payment penalties, Nuclear materials, Nuclear power plants and reactors, Source material, Special nuclear material.

The authority citation for this document is: Sec. 2903(c), Public Law 102–486, 106 Stat. 3125.

Dated at Rockville, Maryland this 13th day of April 1993.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 93–9065 Filed 4–16–93; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 93–ASO–6]

Proposed Establishment of Class D Airspace: Fort Rucker Shell, AL; Andalusia, AL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace located at Shell Army Heliport, Fort Rucker, AL; and Andalusia-Opp Airport, AL. The United States Army operates a control tower at each of these locations. Terminal Airspace Reclassification, which becomes effective September 16, 1993, will discontinue the use of the term Airport Traffic Area (ATA) and will eliminate the requirement for two-way radio communication with the control towers at Shell Army Heliport and Andalusia-Opp Airport. The intended effect of this proposal is to provide adequate Class D airspace to perpetuate the existing two-way radio communication requirement at these two airports.

DATES: Comments must be received on or before: June 25, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 93–ASO–6, Manager, System Management Branch, ASO–530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763–7646.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Patterson, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P. O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763–7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 93–ASO–6." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO–530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at Shell Army Heliport, AL; and Andalusia-Opp Airport, AL. The United States Army operates a control tower at each of these two locations with an ATA. Terminal Airspace Reclassification, which becomes effective on September 16, 1993, will discontinue the use of the term Airport Traffic Area and eliminate the requirement for two-way radio communication with the control towers at Shell Army Heliport and Andalusia-Opp Airport. The intended effect of this proposal is to provide adequate Class D airspace to perpetuate the existing two-way radio communication requirement for these two locations. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas are published in Section 71.61 of FAA Order 7400.9 dated November 1, 1991, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1. The Class D airspace listed in this document would be published subsequently in the order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§71.1 [AMENDED]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9, Airspace Reclassification, dated November 1, 1991, and effective September 16, 1993, is amended as follows:

Section 71.61 Designation

* * * * *

ASO AL CZ Fort Rucker Shell, AL

Fort Rucker, Shell Army Heliport, AL
(lat. 31°21'46.61" N., long. 85°50'57.78" W.)

That airspace extending upward from the surface to and including 1,500 feet MSL within a 1.8-mile radius of Shell Army Heliport, excluding that airspace south of latitude 31°20'47" N. This Class D airspace is

effective during the special dates and times established by Notice to Airman. The effective dates and times will thereafter be continuously published in the Airport Facility Directory.

* * * * *

ASO AL CZ Andalusia, AL

Andalusia-Opp Airport, AL
(lat. 31°18'31.8" N., long. 86°23'37.8" W.)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4-mile radius of Andalusia-Opp Airport. This Class D airspace is effective during the special dates and times established by Notice to Airman. The effective dates and times will thereafter be continuously published in the Airport Facility Directory.

* * * * *

Issued in East Point, Georgia, on March 29, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93-9086 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 93-ASO-4]

Proposed Establishment of Class D Airspace: Meridian, MS; Pensacola, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class D airspace located at Naval Outlying Landing Field (NOLF) Joe Williams, Meridian, MS; and NOLF Choctaw, Pensacola, FL. The United States Navy operates a control tower at each of these locations with an associated airport traffic area (ATA). Terminal Airspace Reclassification, which becomes effective September 16, 1993, will discontinue the use of the term "Air Traffic Area" and eliminate those ATA's not already designated to become Class D Airspace. As a result, the requirement for two-way radio communication with the control towers at NOLF Joe Williams and NOLF Choctaw would cease to exist. The intended effect of this proposal is to provide adequate Class D airspace to perpetuate the existing two-way radio communication requirement at these two locations.

DATES: Comments must be received on or before: June 15, 1993.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Docket No. 93-ASO-4, Manager, System Management Branch ASO-530, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: Robert L. Shipp, Jr., Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 93-ASO-4." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received.

All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class D airspace at NOLF Joe Williams, Meridian, MS; and NOLF Choctaw, Pensacola, FL. The United States Navy operates a control tower at each of these two locations with an ATA. Terminal Airspace Reclassification, which becomes effective September 16, 1993, will discontinue the use of the term "Air Traffic Area" and eliminate those ATA's not already designated to become Class D Airspace. As a result, the requirement for two-way radio communication with the control towers at NOLF Joe Williams and NOLF Choctaw would cease to exist. The intended effect of this proposal is to provide adequate Class D airspace to perpetuate the existing two-way radio communication requirement at these two locations. The coordinates for this airspace docket are based on North American Datum 83. Class D airspace areas are published in § 71.61 of FAA Order 7400.9 dated November 1, 1991, and effective September 16, 1993, which is incorporated by reference in 14 CFR 71.1. The Class D airspace listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Incorporation by reference.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9, Airspace Reclassification, dated November 1, 1991, and effective September 16, 1993, is amended as follows:

Section 71.61 Designation.

* * * * *

ASO MS CZ Meridian, MS [New]

Joe Williams NOLF, MS
(lat. 32°47'46.48" N., long. 88°49'54.19" W.)

That airspace extending upward from the surface to and including 3,000 feet MSL within 4.2-mile radius of Joe Williams NOLF. This Class D airspace is effective during the specific dates and times established by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASO FL CZ Pensacola, FL [New]

Choctaw NOLF, FL
(lat. 30°30'26.77" N., long. 86°57'19.98" W.)

That airspace extending upward from the surface to and including 2,600 feet MSL within 4.2-mile radius of Choctaw NOLF, excluding that airspace within the Pensacola Regional Airport, FL, Class C airspace; excluding that airspace within the NAS Whiting Airport, FL, Class C airspace; and excluding that airspace within Restricted Area R–2915. This Class D airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

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Issued in East Point, Georgia, on March 23, 1993.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 93–9085 Filed 4–16–93; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 404

Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Trade Regulation Rule relating to the Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products ("Tablecloth Rule"). The Commission is soliciting the comments as part of its periodic review of rules and guides.

DATES: Written comments will be accepted until May 19, 1993.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, room H–159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about the Tablecloth Rule should be identified as "16 CFR part 104—Comment."

FOR FURTHER INFORMATION CONTACT: John A. Crowley, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326–3280.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or recision.

At this time, the Commission solicits written public comments concerning the Commission's Trade Regulation Rule relating to the Deceptive Advertising and Labeling as to Size of Tablecloths and Related Products.

The Tablecloth Rule regulates the advertising, labeling and marking of the dimensions of tablecloths and related products. This trade regulation rule was adopted based on Commission findings that: Many marketers of tablecloths and related products used the term "cut size" to designate the dimensions of their products but did not disclose the finished sizes of these products. The Commission found that the cut sizes, before hemming and finishing, were usually larger than the completed or finished sizes of tablecloths and related products. The record also showed that to many consumers the size marked on a tablecloth or related product meant the actual size of the finished product and that this meaning was not dispelled by the words "cut size" alone without a disclosure of the finished size identified as such. The Commission found that the use of the "cut size" alone to designate sizes of tablecloths and related products, had the capacity and tendency to mislead consumer purchasers into believing that such size represented the actual dimensions of the finished product.

As a result of these findings, the Commission promulgated the Tablecloth Rule requiring that in connection with the sale or offering for sale of tablecloths and related products such as doilies, table mats, dresser scarves, place mats, table runners, napkins and tea sets, any representation of the cut size or the dimensions of materials used in the construction of tablecloths and related products would constitute an unfair method of competition and an unfair and deceptive act or practice unless:

(1) Such "cut size" dimensions are accompanied by the words "cut size"; and

(2) The "cut size" is accompanied by a clear and conspicuous disclosure of the dimensions of the finished products and by an explanation that such dimensions constitute the finished size. The rule then gives an example of proper size marking: "Finished size 50" x 68"; Cut size 52" x 70"."

The rule includes examples of both proper and improper representations of size descriptions. Currently, these examples are expressed in terms of feet. Under Executive Order 12770 of July 25, 1991, and the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act, all federal agencies are required to use the SI metric system of measurement in all procurement, grants and other business-related activities (which includes rulemakings), except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. To comply with these provisions, should the Commission elect to retain the rule after conducting this review, the examples in the rule will be altered to include the metric equivalent in parentheses beside the English measurements. Thus, the measurements in the examples would be revised to read: "Finished size 50" x 68" (127 cm x 172.72 cm); cut size 52" x 70" (132.08 cm x 177.80 cm)". This is a technical amendment to an illustrative example in the rule rather than a substantive amendment to the rule. It is not intended to create any new requirement under the Rule to use metric or to use metric in any particular fashion (for example, in hundredths of centimeters). Thus, under the Administrative Procedure Act, no formal rulemaking proceeding is necessary to implement this revision.

Accordingly, the Commission solicits public comments on the following questions:

(1) Has this trade regulation rule had a significant economic impact (costs or benefits) on entities subject to its requirements?

(2) Is there a continuing need for this trade regulations rule?

(3) What burdens does compliance with this trade regulation rule place on entities subject to its requirements?

(4) What changes should be made to this trade regulation rule to minimize the economic effect on such entities?

(5) Does this trade regulation rule overlap or conflict with other federal, state, or local government laws or regulations?

(6) Have technology or economic conditions changed since this trade regulation rule was issued, and, if so, what effect do the changes have on the rule?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 404

Advertising, Labeling, Size, Tablecloths and Related products.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–9094 Filed 4–16–93; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 410

Deceptive Advertising as to Size of Viewable Pictures Shown by Television Receiving Sets

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission ("the Commission") is requesting public comments on its Trade Regulation Rule on Deceptive Advertising as to Size of Viewable Pictures Shown by Television Receiving Sets (the "Picture Tube Rule"). The Commission is soliciting the comments as part of its periodic review of rules and guides.

DATES: Written comments will be accepted on or before May 19, 1993.

ADDRESSES: Send comments to Secretary, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, DC 20580. Submissions should be marked "Picture Tube Rule, 16 CFR part 410—Comment."

FOR FURTHER INFORMATION CONTACT: Phillip Priesman, Attorney, Division of Advertising Practices, Federal Trade Commission, 6th & Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–2484.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or recision. At this time, the Commission solicits written public comments on its Trade Regulation Rule on Deceptive Advertising as to Size of Viewable Pictures Shown by Television Receiving Sets (the "Picture Tube Rule"), 16 CFR part 410.

This rule, like the other trade regulation rules issued by the Commission, "define[s] with specificity acts or practices which are unfair or deceptive acts or practices in or affecting commerce. Such rules may include requirements prescribed for the purposes of preventing such acts or practices. A violation of a rule shall constitute an unfair or deceptive act or practice in violation of section 5(a)(1) of [the Federal Trade Commission Act], unless the Commission otherwise expressly provides in its rule." 16 CFR 1.8. The Commission may initiate a trade regulation rule proceeding "upon its own initiative or pursuant to written petition filed with the Secretary by any interested person stating reasonable grounds therefor." 16 CFR 1.9.

The Picture Tube Rule sets forth the appropriate method for measuring the diameter of television screens, when this measurement is included in any advertisement or promotional material for the television set. Under the rule, any representation of the screen size must be based on the horizontal dimension of the actual viewable picture area. Any other measurement is unfair and deceptive, unless the method of measurement is clearly and conspicuously disclosed in close proximity to the size designation. The rule notes that the horizontal measurement must not take into account any curvature of the tube. Further, disclosing the method of measurement in a footnote rather than in the body of the ad does not constitute a disclosure in close proximity to the measurement.

The rule includes examples of both proper and improper representations of size descriptions. Currently, these examples are expressed in terms of inches. Under Executive Order 12770 of July 25, 1991, and the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act, all federal agencies are required to use the SI metric system of measurement in all procurements, grants and other business-related activities (which includes rulemakings), except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. To comply with these provisions, should the Commission elect to retain the rule after conducting this review, the examples in the rule will be altered to include the metric equivalent in parentheses beside the English measurements. Thus, the measurements in the examples would be revised to read: 15 inches (38.10 cm); 19 inches (48.26 cm); 20 inches (50.80 cm); 21 inches (53.34 cm); and 262 square inches (1,690.32 sq. cm). This is a technical amendment to an illustrative example in the rule rather than a substantive amendment to the rule. It is not intended to create any new requirement under the rule to use metric or to use metric in any particular fashion (for example, in hundredths of centimeters). Thus, under the Administrative Procedures Act, no formal rulemaking proceeding is necessary to implement this revision.

Accordingly, the Commission solicits public comments on the following questions:

(1) Has this trade regulation rule had a significant impact (cost or benefit) on entities subject to its requirements?

(2) Is there a continuing need for this rule?

(3) What burdens does adherence with this rule place on entities subject to its requirements?

(4) What changes should be made to this rule to minimize the economic effect on such entities?

(5) Does this rule overlap or conflict with other federal, state, or local government laws or regulations?

(6) Have technology or economic conditions changed since this rule was issued, and, if so, what effect do these changes have on the rule?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 410

Advertising, Trade practices, Television sets, Picture tubes.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–9095 Filed 4–16–93; 8:45 am]

BILLING CODE 6750–01–M

16 CFR Part 418

Deceptive Advertising and Labeling as to Length of Extension Ladders

AGENCY: Federal Trade Commission.

ACTION: Request for public comments.

SUMMARY: The Federal Trade Commission (the "Commission") is requesting public comments on its Trade Regulation Rule relating to the Deceptive Advertising and Labeling As To Length of Extension Ladders ("Extension Ladder Rule"). The Commission is soliciting the comments as part of its periodic review of rules and guides.

DATES: Written comments will be accepted until May 19, 1993.

ADDRESSES: Comments should be directed to: Secretary, Federal Trade Commission, Room H–159, Sixth and Pennsylvania Ave., NW., Washington, DC 20580. Comments about the Extension Ladder Rule should be identified as "16 CFR Part 418—Comment."

FOR FURTHER INFORMATION CONTACT: John A. Crowley, Attorney, Federal Trade Commission, Washington, DC 20580, (202) 326–3280.

SUPPLEMENTARY INFORMATION: The Commission has determined, as part of its oversight responsibilities, to review rules and guides periodically. These reviews will seek information about the costs and benefits of the Commission's rules and guides and their regulatory and economic impact. The information obtained will assist the Commission in identifying rules and guides that warrant modification or recision.

At this time, the Commission solicits written public comments concerning the Commission's Trade Regulation Rule relating to the Deceptive Advertising and Labeling As To Length Of Extension Ladders.

The Extension Ladder Rule was adopted based on Commission findings that: Marketers of extension ladders represent the sizes or lengths of their products in terms of the total length of the sections thereof, e.g., a "20-foot" or "20-foot size" extension ladder consists of two 10-foot sections. It was shown that in fully extending an extension ladder for use there must be an overlapping of the sections thereof for strength and safety purposes. As a result, footage is lost in such overlapping. Consequently, the maximum working or useful length of an extension ladder is invariably less than the total length of the component sections. Although the practice of representing extension ladder lengths in terms of the total of the lengths of the sections thereof had been followed for a substantial period of time and may have been understood by tradesmen and industrial and governmental purchasers, the Commission believed that this method of representing sizes was not understood by the average consumer. The Commission concluded that the industry practice of representing extension ladder lengths tended to mislead the general public into the erroneous belief that such represented sizes or lengths were the maximum working or useful lengths of the products so described.

The Extension Ladder Rule regulates the advertising, labeling and marking of extension ladders by making it an unfair or deceptive act or practice and an unfair method of competition to represent the size or length of such product, in terms of the total length of the component sections thereof unless:

(a) Such size or length representation is accompanied by the words "total length of sections" or words with similar meanings which clearly indicate the basis of the representation; and,

(b) Such size or length representation is accompanied by a statement in close proximity to the size or length representation which clearly and conspicuously shows the maximum length of the product when fully extended for use (i.e., excluding the footage lost in overlapping) along with an explanation for the basis of such representation. The rule then gives an example of proper length representation when the product consists of two ten foot sections: "maximum working length 17', total length of sections 20'" or "17' extension ladder."

The rule includes examples of both proper and improper representations of size descriptions. Currently, these examples are expressed in terms of feet. Under Executive Order 12770 of July 25, 1991, and the Metric Conversion Act, as amended by the Omnibus Trade and Competitiveness Act, all federal agencies are required to use the SI metric system of measurement in all procurement, grants and other business-related activities (which includes rulemakings), except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms. To comply with these provisions, should the Commission elect to retain the rule after conducting this review, the examples in the rule will be altered to include the metric equivalent in parentheses beside the English measurements. Thus, the measurements in the examples would be revised to read: "maximum working length 17' (54.54 m), total length of sections 20' (64.17 m)" or "17' (54.54 m) extension latter". This is a technical amendment to an illustrative example in the rule rather than a substantive amendment to the rule. It is not intended to create any new requirement under the Rule to use metric or to use metric in any particular fashion (for example, in hundredths of centimeters). Thus, under the Administrative Procedure Act, no formal rulemaking proceeding is necessary to implement this revision.

Accordingly, the Commission solicits public comments on the following questions:

(1) Has this trade regulation rule had a significant economic impact (costs or benefits) on entities subject to its requirements?

(2) Is there a continuing need for this trade regulation rule?

(3) What burdens does compliance with this trade regulation rule place on entities subject to its requirements?

(4) What changes should be made to this trade regulation rule to minimize the economic effect on such entities?

(5) Does this trade regulation rule overlap or conflict with other federal, state, or local government laws or regulations?

(6) Have technology or economic conditions changed since this trade regulation rule was issued, and, if so, what effect do the changes have on the rule?

Authority: 15 U.S.C. 41–58.

List of Subjects in 16 CFR Part 418

Advertising, Labeling, Length, Extension ladders.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 93–9093 Filed 4–16–93; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 7

[Notice No. 771]

RIN 1512–AA95

Standard of Identity for Malt Liquor (91F–026P)

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is considering amending regulations issued under the Federal Alcohol Administration Act (FAA Act) to provide a standard of identity for malt liquor. Currently, regulations under the FAA Act do not set forth a standard of identity for malt liquor, or for any other malt beverage

product. ATF is issuing this advance notice of proposed rulemaking in response to a petition from a coalition of consumer groups seeking to establish a definite standard of identity for malt liquor.

DATES: Written comments must be received by July 19, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221; Notice No. 771. Comments not exceeding three pages may be submitted by facsimile transmission to (202) 927–8602.

Copies of the petition and any written comments will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Avenue, NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Charles Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927–8230.

SUPPLEMENTARY INFORMATION:

Background

Sections 105(e) and (f) of the Federal Alcohol Administration Act, 27 U.S.C. § 205(e) and (f), vest in ATF the authority to regulate the labeling and advertising of alcoholic beverages, including malt beverages. These sections authorize the issuance of regulations which will, among other things, prohibit deception of the consumer with respect to the product and which will provide the consumer with adequate information as to the identity and quality of the product. In the case of malt beverages, section 105(e) of the FAA Act further prohibits statements of, or statements likely to be considered as statements of, alcoholic content from appearing on labels unless required by State law. Similarly, section 105(f) prohibits statements of alcoholic content from appearing in advertisements for malt beverages, to the extent that the State in which the advertisement appears imposes a similar requirement. These prohibitions reflect Congress' concern, expressed during the 1935 hearings on the proposed FAA Act, that malt beverages should not be sold to consumers on the basis of alcoholic strength.

Section 117(a) of the FAA Act defines the term "malt beverage" as "a beverage made by the alcoholic fermentation of an infusion or decoction, or combination of both, in potable brewing water, of malted barley with hops or their parts, or their products, and with or without other malted cereals, and with or without the addition of unmalted or prepared cereals, other carbohydrate or products prepared therefrom, and with or without the addition of carbon dioxide, and with or without other wholesome products suitable for human food consumption." This definition places no minimum or maximum alcohol content on malt beverages.

Regulations which implement these statutory provisions as they relate to the labeling and advertising of malt beverages are set forth in 27 CFR part 7, "Labeling and Advertising of Malt Beverages." Part 7 does not prescribe standards of identity for malt beverages. Instead, § 7.24 provides that statements of class and type for malt beverages shall conform to the designation of the product as known to the trade. Thus, regulations do not define the several kinds of malt beverages including those specifically listed in part 7; i.e., "beer," "lager beer," "lager," "ale," "porter," or "stout." Section 7.24 does contain general guidelines for the labeling of some classes and types of malt beverages.

Regulations at § 7.26 reflect the section 105(e) prohibition against the appearance of alcohol content on labels of malt beverages, unless required by State law. Moreover, ATF notes that alcohol content is not used as a regulatory means to define or limit malt beverages; for example, "beer" and "ale" have no maximum alcohol content. Similarly, alcohol content is not used in part 7 to differentiate between classes and types of malt beverages (other than to define non-alcoholic malt beverages containing less than 0.5 percent alcohol by volume). As a practical matter, the maximum alcohol in malt beverages seldom exceeds 12 percent by volume, the approximate upper limit attainable by fermentation.

As a result of these restrictions, alcohol content of malt beverages seldom appears on labels. Thus, consumers of malt beverages, including malt liquors, have no basis on which they can determine or compare the alcohol content of malt beverages.

Definition of Malt Liquor

Part 7 neither lists "malt liquor" as a class and type of malt beverage, nor provides labeling guidelines for its use. Use of the term "malt liquor" can be traced far back into American history as a reference to all fermented malt products including beer, ale, and porter. In an 1810 letter to Thomas Jefferson advocating the establishment of a national brewery, Joseph Coppinger insists it would "improve the quality of our malt liquors in every point of the Union * * *" In addition, research has established that the term "malt liquor" appeared in taxing statutes toward the end of the nineteenth century. In 1866, malt liquors were first taxed by the Act of July 13, 1866, (14 Stat. 117) as beer. This Act referred to beer as encompassing malt liquors, lager beer, ale, porter, and other fermented liquors. The tax on malt liquors continued when the Internal Revenue Laws were revised pursuant to the Act of March 1, 1879 (20 Stat. 327).

During this same time period, the Supreme Court also recognized that a malt liquor was a beer produced merely by the fermentation of malt, as opposed to those obtained by distillation of malt or mash. *Sarlls* v. *United States* 152 U.S. 570 (1893). This definition was echoed in the American Handy Book of the Brewing, Malting and Auxiliary Trades (3rd ed., Vol. 2) which was published in 1908.

Subsequent taxing statutes referred to beer as encompassing malt liquors, lager beer, ale, porter, and other fermented liquors until the inception of Prohibition in 1919. See the Act of March 3, 1899, (30 Stat. 1390) and the Act of March 2, 1911 (36 Stat. 1014).

During the Prohibition era, regulations referred to malt liquor as containing more alcohol than beer, ale, porter, or other fermented liquors. Specifically, section 1001(d) of Regulations 2 of the Bureau of Prohibition's Regulations Relating to Permits for Intoxicating Liquors for Nonbeverage Purposes (effective October 1, 1927), which were promulgated pursuant to Title II of the National Prohibition Act (41 Stat. 305), defined malt liquors as containing one-half of 1 percent or more of alcohol by volume.

Subsequent to the repeal of Prohibition, the Internal Revenue Code of 1939 referred to "fermented malt liquors," "fermented liquors," and "malt liquors." These terms were used in a general sense to indicate fermented products derived from malt, and to differentiate them from distilled liquors or distilled spirits. After revision of the Internal Revenue Code in 1954, "malt liquor" was replaced with the term "beer" as a general reference to brewers' products fermented from malt.

According to Michael Jackson's New World Guide to Beer, in the mid-20th century, malt liquor came to signify a particular type of beer: A light- to medium-bodied lager with an extra alcoholic kick (anywhere from 5 to 9 percent alcohol by volume), and often a sweetish, slightly winey flavor which

may come from a high sugar content. The style can be traced to the Gluek Brewing Company of Minneapolis which introduced Stite Malt Liquor in 1942.

In today's common usage, "malt liquor" is applied to malt beverages generally higher in alcohol content than ordinary beers or ales, and usually somewhat sweeter than those products. See The Association of Brewers' Directory of Beer and Brewing by Carl Forget (1988). The method of production of malt liquor does not differ significantly from the process used for other fermented malt beverages such as beer or lager beer. Malt liquor is also occasionally used as a catch-all labeling term for malt beverages which have not attained label recognition under a particular name (such as "Alt" or "Bitters"), or to label "strong beer," which because of its higher alcohol content, may not be labeled "beer" or "lager" under laws in several States.

Definitions for Classes of Malt Beverages

As noted previously, part 7 does not prescribe standards of identity for malt beverages. Rather § 7.24(a) provides that statements of class and type for malt beverages shall conform to the designation of the product as known to the trade. Section 7.24(d) states that no product containing less than one-half of 1 percent alcohol by volume shall bear the class designation "beer," "lager beer," "lager," "ale," "porter," or "stout." Further, § 7.24(e) provides that no product other than a malt beverage fermented at comparatively high temperature, possessing the characteristics generally attributed to "ale," "porter," and "stout" and produced without the use of coloring or flavoring materials (other than those recognized in standard practices) shall bear any of those class designations.

Although ATF has not as of yet promulgated standards of identity for beer, ale, porter, and stout, general definitions do exist for these terms. The Master Brewers' Association of America defines the above-described terms as follows: Beer is an alcoholic beverage made by fermenting malt with or without other cereals and flavored with hops; ale is a top fermentation beer made from malt or malt adjuncts with a pronounced hop aroma and flavor; porter is a top fermentation beer that is heavier and darker than ale; and stout is heavier than porter but with a dark color, sweet taste, and strong malt flavor. Bottom fermentation is characterized by the fact that dead yeast cells sink to the bottom during fermentation. Conversely, top fermentation is characterized by the fact that dead yeast cells rise to the surface during fermentation. See The Practical Brewer (1947 ed.).

Under the Codes of Fair Competition, which were promulgated pursuant to the National Industrial Recovery Act (48 Stat. 195, c.90, (1933)), the Federal Alcohol Control Administration (F.A.C.A.) proposed a definition of malt liquor and specific standards of identity for beer, ale, porter, and stout. It was proposed that malt liquor be defined as "a beverage made by alcoholic fermentation of an infusion, in potable water, of barley malt and hops, with or without unmalted rice, corn, or other grains or decorticated or degerminated grains, and containing more than one-half of one percentum of alcohol by volume." In addition, beer was to be classified, into eight subclasses, as a bottom fermentation malt liquor while ale, Berliner Weiss beer, porter, and stout were to be classified as top fermentation malt liquors. These proposed regulations were attached to a notice of public hearing to be held on March 21, 1935. See F.A.C.A. AM–383, March 4, 1935. No hearing was apparently held and no regulations were issued. This was probably due to the fact that on May 27, 1935, the Supreme Court handed down its decision in the case of *Schecter Poultry Corporation* v. *United States*, 295 U.S. 495, (1935). With this decision, the Codes, for all practical purposes, ceased to exist and their provisions were no longer enforced. Subsequently, the Federal Alcohol Administration Act was passed and approved on August 29, 1935.

On December 17, 1935, ATF's predecessor agency, the Federal Alcohol Administration (FAA), issued a proposed draft of regulations regarding standards of identity for malt beverages. See FA Circular No. 39. These proposed regulations were based, in large part, on the proposed regulations promulgated by the F.A.C.A. as discussed above. A Notice of Hearing was also issued on December 17, 1935, which stated that a hearing on proposed misbranding and advertising regulations for malt beverages would be held on January 7, 1936. See FA Circular No. 38. Specifically, the FAA called attention to the fact that the proposed standard of identity regulations relating to malt beverages might serve as general standards for the future in case any State desired to adopt them.

The transcript of the hearings revealed that they were marked by numerous differences of opinion among the witnesses who represented various segments of the brewing industry. These differences included: A disparity over whether temperature and rate of fermentation should be used rather than type of yeast to determine whether a beverage is an ale or lager; a disparity over whether there is a valid distinction between ale and beer; a disparity over whether top fermentation and/or bottom fermentation could be used to produce beer and/or ale; a disparity over whether minimum and maximum alcohol contents should be set for beer and ale; a disparity over whether ale should have its own definition or whether it should be included within the definition of a malt beverage; a disparity over whether porter and stout are products separate and distinct from ale; and a disparity over whether the definition of the malt beverages in question should be based on taste and aroma or on alcohol content.

Subsequent to those hearings, a questionnaire was issued within the brewing industry which requested comments on the labeling of beer and ale. See FX–38, dated January 11, 1936. The questionnaire stated that the Administration was considering the advisability of making changes in existing regulations governing the labeling of beer and ale. The questionnaire sought the opinion of consumers as to the differences, if any, between beer and ale with respect to alcoholic content, taste, color, price, method of manufacture, place of manufacture, or other differences. Although the questionnaire generated a large number of responses, no definite consensus was reached as to the difference between beer and ale.

Based upon the prior hearings and questionnaire, Regulations No. 7 was issued on November 19, 1936. The regulations stated that the class of malt beverage, such as cereal beverage, near beer, beer, lager beer, lager, ale, porter, or stout had to be stated and that, if desired, the type thereof could be stated. The regulations also stated that products containing less than one-half of 1 percent alcohol by volume could not be designated as beer, ale, porter, or stout. The regulations further provided that products containing less than 5 percent alcohol by volume could not be designated as ale, porter, or stout. See Regulations No. 7, section 24 (1 F.R. 2013, November 21, 1936). The regulations were premised, in part, on the fact that the questionnaire revealed the public perception that ale, porter, and stout were higher in alcohol content than beer.

Due, in large part, to the fact that no consensus could be reached as to an appropriate definition for each class of malt beverage despite the 1936 hearings and questionnaire, additional hearings

were held at the insistence of the United States Brewers Association. See FA Circular No. 125. A Notice of Hearing was issued on March 23, 1938, 3 FR 739, which stated that a hearing on proposed amendments to Regulations No. 7 Relating to Labeling and Advertising of Malt Beverages would be held on April 25, 1938. See FA Circular No. 135. More specifically, the Notice of Hearing stated that the hearing was being held to define ale, porter, and stout on a basis other than that of alcohol content and to amend the regulations to provide that a malt beverage for which there was no class or type designation known to the trade should bear a fanciful or distinctive name together with a truthful and adequate statement of composition.

However, the differences in opinion which prevented a consensus from being reached during the 1936 hearings were the same differences which marked the 1938 hearings. Namely, there were differences of opinion over whether standards of identity should be promulgated based on alcoholic content or taste and whether ale, porter, and stout should merely be classified as beer or should each be given a separate standard of identity.

Therefore, although the FAA intended originally to provide standards of identity for the various classes and types of malt beverages, it was deemed impracticable to implement such standards of identity. Instead, Regulations No. 7 were amended on June 21, 1938, to state that no product other than a malt beverage fermented at a comparatively high temperature, possessing the characteristics generally attributed to "ale," "porter," or "stout" and produced without the use of coloring or flavoring materials (other than those recognized in standard brewing practices) shall bear any of these class designations. See Regulations No. 7, Amendment 1, effective July 7, 1938, 3 FR 1515. The amendment eliminated the list of classes and the alcohol content for ale, porter, and stout. Due to the passage of time since this issue was addressed, we believe it appropriate to seek comments again on the feasibility of promulgating standards of identity for beer, ale, porter, and stout.

Petition

The Treasury Department has received a petition submitted by 21 organizations and individuals concerned with alcohol and drug problems in America. This petition requests that the Department take steps to curb marketing practices of malt liquors which the petition maintains are exacerbating these problems. According to the petition, many malt liquors have an alcohol content of 20 to 100 percent higher than ordinary beers. It states that recently, some brewers have begun to market even higher-strength malt liquors, some containing nearly one-third more alcohol than other malt liquors.

The petition states that many malt liquors use brand names and/or marketing practices that emphasize their higher alcoholic strength and potency. It further claims that malt liquors are marketed heavily in African American and Latino communities, and that brewers market high-strength malt liquors to people who suffer disproportionately from alcohol and other drug problems. It also states that alcohol use is one of the costliest drug problems facing the nation today.

As a deterrent to alcohol and drug problems, the petition seeks to limit the amount of alcohol in malt liquor to that of ordinary beer, which is usually not more than 5 percent by volume. By establishing a standard of identity for malt liquor with a maximum alcohol content, the petition claims that brewers could continue to offer a malt liquor product which is different than ordinary beer in taste, but without the higher alcohol content.

The petition further requests that ATF review all malt liquor advertising and product identification and take appropriate action against advertising that violates the FAA Act. It asks ATF to urge producers of malt liquors to halt blatant, sexually oriented advertising of malt liquor which targets inner city consumers.

General Discussion

Many of the steps requested in this petition are enforcement actions related to existing regulations. ATF has already undertaken a review of existing certificates of label approval and point-of-sale advertising materials for malt liquors. ATF does bring to the attention of producers or advertisers, labeling and advertising materials which violate the provisions of the FAA Act. In several instances, ATF has requested that brewers initiate corrective action relating to labeling and advertising of malt liquors in order to assure that malt liquors are not advertised or sold on the basis of high alcoholic strength.

ATF's statutory authority to undertake some of the requested steps is limited. Although ATF is concerned with the problems of alcohol abuse, ATF has no statutory authority to take action against brewers on the basis of social concerns. Furthermore, while ATF recognizes that brewers' marketing practices for malt liquors may target certain ethnic or economic groups, the FAA Act provides no legal basis by which to restrict or prohibit such marketing practices or advertisements.

Similarly, ATF has no statutory authority to curb or prohibit advertising which is sexually oriented. While such advertising may not be considered in good taste by a majority of consumers, it is not illegal under the FAA Act unless it is of such a nature as to be considered obscene or indecent. ATF monitors advertising for alcoholic beverages and has requested on numerous occasions that industry members voluntarily withdraw or modify advertisements having sexual connotations. Generally, ATF has objected to sexually oriented advertising based on the fact that they are in poor taste, or are not in the best interests of the industry. ATF has also strongly urged that industry members undertake a more responsible approach with respect to such advertising.

Discussion of Alcohol Content in Malt Liquor

The petition asks ATF to establish a standard of identity for malt liquor which will limit its alcohol content to that of beer which is usually not more than 5 percent alcohol by volume. In justifying their request, the petitioner claims that malt liquor is consumed because it enables consumers to "get drunk up to twice as fast" [as regular beer]. The petitioner states that the availability of high-alcohol beers and related advertising are contributing to our nation's drug problems because many persons who are addicted to illegal drugs are also addicted to alcohol. Thus, by restricting the alcohol content of malt liquor, the petitioner believes that significant progress can be made in reducing the demand for drugs, and reducing health problems associated with their use.

It is unclear to ATF how, by restricting the alcohol content of malt liquor, that demand for illegal drugs will be reduced. Moreover, by restricting the alcohol content in the proposed fashion, ATF cannot see how problems of alcoholism will be alleviated. Since other high strength forms of alcohol are available to consumers, a restriction on alcohol in malt liquor would merely drive consumers inclined to consume it because of its alcoholic strength, to other alcoholic beverage alternatives such as distilled spirits or dessert wines. Furthermore, without a maximum alcohol content limitation for all malt beverages, brewers could merely change the designation of malt liquors and

continue to produce and market a high strength malt beverage product. Thus, ATF is not convinced that restricting the strength of malt liquors would be an effective tool in the struggle against alcoholism and alcohol abuse.

Regarding the proposal to restrict malt liquor to not more than 5 percent alcohol by volume, ATF notes that, at present, neither the FAA Act nor regulations in part 7 limit "beer" or any other malt beverage to 5 percent alcohol by volume. Similarly, foreign nations generally do not impose alcohol limitations on their malt beverage products. Furthermore, many ales and some beers or lagers do contain more than 5 percent alcohol, although the largest selling lager beers generally contain less alcohol. Conversely, ATF finds that products labeled as malt liquor almost always contain in excess of 5 percent alcohol by volume, with most falling within the range of 5½ to 11 percent alcohol by volume.

In order to establish a standard of identity for a malt beverage, the FAA Act requires that ATF propose regulations and consider public comment. Moreover, ATF is obligated to consider trade and consumer understanding of a product when issuing regulations under the FAA Act which affect the standards of identity. In the case of malt liquor, there exists absolutely no trade or consumer understanding that such a product must contain less than 5 percent alcohol by volume. In fact, were ATF to consider regulating malt liquor by its alcohol content, it would be more appropriate to use 5 percent alcohol by volume as a minimum, in accord with present trade and consumer understanding of the product.

Questions for Public Comment

Nevertheless, ATF does have the authority under the Federal Alcohol Administration Act to issue regulations adopting standards of identity for malt beverages. Such standards of identity may only be imposed after public notice and opportunity for the public to comment. As part of these standards of identity, alcohol content could be used as a means by which to differentiate between the various classes and types of malt beverages.

ATF is, therefore, requesting public comment on specific questions relating to standards of identity for malt liquor and malt beverages. The questions are as follows:

(1) Should ATF consider establishing a standard of identity for malt liquor? If so, what if any factors relating to production, ingredients, alcohol content, or other factors should be included in a standard of identity which would differentiate malt liquor from other malt beverages?

(2) Based on trade and consumer understanding of malt liquor, should a standard of identity for malt liquor contain a maximum or a minimum alcohol content?

(3) If ATF were to consider establishing a standard of identity for malt liquor, should it also consider establishing standards of identity for other classes and types of malt beverages in order to differentiate between the several classes and types, including beer, lager beer, ale, porter, stout, and so forth? Should alcohol content be considered as a factor in any such standards of identity?

(4) Is the term "liquor" in "malt liquor" deceptive or inappropriate? Should ATF allow continued use of the term "malt liquor" for labeling malt beverages, or should ATF propose to eliminate its use in labeling fermented malt beverages?

Public Participation—Written Comments

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which a respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927–8602, provided the comments: (1) Are legible; (2) are 8½" x 11" in size; (3) contain a written signature; and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Drafting Information

This notice was written by various persons within the Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, and Labeling.

Authority

This advance notice of proposed rulemaking is issued under the authority of 27 U.S.C. 205.

Signed: February 18, 1993.

Stephen E. Higgins,

Director.

Approved: February 26, 1993.

John P. Simpson,

Acting Assistant Secretary (Enforcement).

[FR Doc. 93–8936 Filed 4–16–93; 8:45 am]

BILLING CODE 4810–31–U

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27 CFR Part 7

[Notice No. 770]

RIN: 1512–AB07

Disclosure of Aspartame in the Labeling of Malt Beverages (92F012T)

AGENCY: Bureau of Alcohol, Tobacco, and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms is proposing to amend the regulations on Labeling and Advertising of Malt Beverages, to require a disclosure statement for aspartame on malt beverage labels, when the product is sweetened with aspartame in accordance with regulations issued by the Food and Drug Administration.

DATES: Written comments must be received on or before May 19, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091–0221, Atten: Notice No. 770. Comments not exceeding three pages may be submitted by facsimile transmission to (202) 927–8602.

FOR FURTHER INFORMATION CONTACT: David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8230.

SUPPLEMENTARY INFORMATION:

Background

The Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e)(2), vests broad authority in the Director of the Bureau of Alcohol, Tobacco and Firearms, as a delegate of the Secretary of the Treasury, to prescribe regulations

which will provide the consumer with "adequate information" as to the identity and quality of malt beverages. Under this authority, labeling requirements are prescribed in title 27, Code of Federal Regulations, part 7 for malt beverages. The regulations requiring basic mandatory labeling information for alcoholic beverage products have been in effect for over 50 years.

In recent years, the Bureau has considered numerous petitions for regulation changes with respect to the labeling of ingredients in alcoholic beverages, including requests to require full ingredient labeling, partial ingredient labeling, even health warning statements for specific ingredients found in alcoholic beverages which were alleged to be a health hazard. In response to such requests, the Bureau has established a regulatory policy with respect to ingredient labeling, and the need for disclosure to consumers of the identity of specific ingredients found to be present in alcoholic beverage products when it has been determined that those ingredients pose health risks.

On October 6, 1983, ATF published a final rule (T.D. ATF–150, 48 FR 45549), rescinding the ingredient labeling regulations for alcoholic beverage products. However, mandatory label disclosure was required for alcoholic beverages containing the color additive FD&C Yellow No. 5. The Bureau found, as a result of its rulemaking effort, that there was evidence establishing that consumers of the few alcoholic beverage products containing that color additive could have adverse reactions to the ingredient.

Pursuant to T.D. ATF–150, the Bureau specifically stated that it "will look at the necessity of mandatory labeling of other ingredients on a case-by-case basis through its own rulemaking initiative, or on the basis of petitions for rulemaking under 5 U.S.C. 553(e) and 27 CFR 71.41(c)."

In that regard, ATF has published a final rule in the **Federal Register** requiring mandatory label disclosure of saccharin for alcoholic beverages containing that artificial sweetener (T.D. ATF–220; December 20, 1985, 50 FR 51851). The Bureau has also published a final rule requiring label disclosure of sulfites when present in alcoholic beverages at a level of ten or more parts per million (T.D. ATF–236; September 30, 1986, 51 FR 34706).

In determining whether there is a need to require label disclosure of specific ingredients in alcoholic beverages, ATF has traditionally utilized the expertise of the Food and Drug Administration (FDA). In 1987, FDA and ATF entered into a memorandum of understanding (52 FR 45502, November 30, 1987), to clarify the enforcement responsibilities of each agency with respect to alcoholic beverages. ATF agreed that when FDA determined that the presence of an ingredient in food products, including alcoholic beverages, posed a recognized public health problem, and that the ingredient or substance must be identified on a food product label, ATF would initiate rulemaking proceedings to promulgate labeling regulations for alcoholic beverages consistent with ATF's health policy with respect to alcoholic beverages.

Pursuant to the regulations at 21 CFR 172.804, FDA has approved the use of the additive aspartame in certain food products. In 1992, FDA issued a final rule (57 FR 3701, January 30, 1992), to allow for the addition of aspartame in malt beverages of less than 7 percent alcohol by volume and containing fruit juice (21 CFR 172.804(c)(22)). This final rule was the result of a food additive petition submitted by the Stroh Brewery Company. After evaluating the data in the petition and other relevant material, FDA concluded that the proposed food additive use was safe. FDA has not yet approved the use of aspartame in any distilled spirits or wines subject to ATF labeling regulations under the FAA Act, and there are currently no malt beverage products on the market which contain aspartame.

In view of the recent authorization of the use of aspartame in certain malt beverage products, ATF is now proposing to adopt, for malt beverage products, the specific label disclosure statement required by FDA when aspartame is used in a food product. The evidence considered by FDA shows the need to alert certain individuals with specific medical conditions to the presence of phenylalanine in products containing aspartame.

FDA regulations require that the label of any food containing the additive aspartame shall bear the following statement: "PHENYLKETONURICS: CONTAINS PHENYLALANINE." This statement is directed towards individuals with Phenylketonuria (PKU), an inherited disorder of the metabolism of phenylalanine, who need to carefully restrict their phenylalanine intake. ATF is proposing that the same language be adopted in the regulations in part 7. The proposed regulations would require that the statement appear in capital letters, separate and apart from all other information.

Public Participation—Written Comments

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

ATF will not recognize any submitted material as confidential and comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of the person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927–8602, provided the comments: (1) Are legible; (2) are 8½" × 11" in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Any person who desires an opportunity to comment orally at a public hearing on the proposed regulation should submit his or her request, in writing, to the Director within the 30-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Regulatory Flexibility Act

It is hereby certified that this document will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping or other compliance burdens on a substantial number of small entities.

Executive Order 12291

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of $100 million or more; it will

not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographical regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96–511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice because no requirement to collect information is proposed.

Disclosure

Copies of this notice and any written comments will be available for public inspection during normal business hours at: ATF Public Reading Room, room 6480, 650 Massachusetts Avenue, Washington, DC 20226.

Drafting Information

The principal author of this document is David W. Brokaw, Wine and Beer Branch, Bureau of Alcohol, Tobacco, and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and Inspection, Imports, Labeling.

Authority and Issuance

27 CFR part 7—Labeling and Advertising of Malt Beverages, is proposed to be amended as follows:

PART 7—LABELING AND ADVERTISING OF MALT BEVERAGES

Paragraph 1. The authority citation for part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 7.22 is amended by adding a new paragraph (b)(7) to read as follows:

§ 7.22 Mandatory label information.

* * * * *

(b) * * *

(7) *Declaration of aspartame.* The following statement, in capital letters, separate and apart from all other information, when the product is sweetened with aspertame in accordance with Food and Drug Administration (FDA) regulations: "PHENYLKETONURICS: CONTAINS PHENYLALANINE."

Signed: March 11, 1993.

Stephen E. Higgins,

Director.

Approved: March 4, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 93–9057 Filed 4–16–93; 8:45 am]

BILLING CODE 4810–31–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD1 93–013]

Safety Zone Regulations: Westport CT P.A.L. Fireworks

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish a safety zone in Long Island Sound, ½ mile off shore east of Cedar Point, Westport, CT from 10 p.m. to 10:30 p.m. on July 1, 1993. This safety zone will be needed to protect the maritime community from possible navigation hazards associated with a fireworks display. Entry into this zone will be prohibited unless authorized by the Captain of the Port, Long Island Sound.

DATES: Comments must be received on or before June 3, 1993.

ADDRESSES: Comments may be mailed to the Captain of the Port, 120 Woodward Avenue, New Haven, CT 06512 or may be delivered to the Port Operations Office at the above address between 8 a.m. and 4 p.m., Monday through Friday, except federal holidays. The telephone number is (203) 468–4464.

The Captain of the Port maintains the public docket for this rulemaking. Comments will become part of this docket and will be available for inspection or copying at the Port Operations office at the above address.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander D.D. Skewes, Chief of Port Operations, Captain of the Port, Long Island Sound at (203) 468–4464.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages interested persons to participate in this rulemaking by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rulemaking (CGD1 93–013) and the specific section of this proposal to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period. It may change this proposal in view of the comments.

The Coast Guard plans no public hearing. Persons may request a public hearing by writing to the Project Manager at the address under **ADDRESSES**. If it determines that the opportunity for oral presentations will aid this rulemaking, the Coast Guard will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Drafting Information

The principal persons involved in drafting this document are LCDR D.D. Skewes, Project Manager, Captain of the Port, Long Island Sound, and LCDR J. Stieb, Project Counsel, First Coast Guard District, Legal Office.

Background and Purpose

On March 8, 1993 the sponsor, Westport Police Athletic League, Westport, CT requested that a fireworks display be permitted in the vicinity of Cedar Point, Westport, CT from 10 p.m. to 10:30 p.m. on July 1, 1993.

Discussion of Proposed Amendments

The Coast Guard proposes to establish a safety zone within a 1200 foot radius of the Barge Brooke, which will be located east of Cedar Point, Westport, CT. This zone is required to protect the maritime community from the dangers and potential hazards to navigation associated with this fireworks display which is occurring over Long Island Sound, a navigable waterway. Entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his on scene representative.

Regulatory Evaluation

This proposal is not major under Executive Order 12291 and not significant under the Department of Transportation Regulatory Policies and Procedures (44 FR 11040; February 26, 1979). Due to the limited duration of the fireworks display, the small size of the safety zone and low level or non existent commercial vessel traffic expected in the area during the effective time of the zone, the Coast Guard expects the economic impact of this proposal to be so minimal that a Regulatory Evaluation is unnecessary. Marine safety advisories will be broadcast during the day of the event.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this proposal will have a significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632).

Because it expects the impact of this proposal to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this proposal, if adopted, will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This proposal contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this proposal in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this proposal does not raise sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this proposal and concluded that under section 2.B.2.C. of Commandant Instruction M16475.1B, it is an action under the Coast Guard's statutory authority to protect public safety, and thus is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of title 33, Code of Federal Regulations as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5.

2. A temporary § 165.T01–013 is added to read as follows:

§ 165.T01–013 Westport CT P.A.L. Fireworks.

(a) *Location.* The following area has been declared a safety zone: All waters of the Long Island Sound within a 1200 foot radius of the barge Brooke, the fireworks launching platform, which will be located approximately ½ mile east of Cedar Point, Westport, CT in approximate position 41°06'06"N 073°20'31"W.

(b) *Effective date.* This regulation becomes effective at 10 p.m. July 1, 1993. It terminates at 10:30 p.m. July 1, 1993 unless terminated sooner by the Captain of the Port. The rain date for this project is July 2, 1993 at the same times.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port or his on scene representative.

Dated: April 8, 1993.

H. Bruce Dickey,

Captain, U.S. Coast Guard, Captain of the Port, Long Island Sound.

[FR Doc. 93–9079 Filed 4–16–93; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[WA2–1–5407; AD–FRL–4614–6]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA invites public comment on its proposed approval of revisions to the State of Washington Implementation Plan (SIP). On May 14, 1991, the Washington Department of Ecology submitted amendments to their Washington Administrative Code (WAC) Chapter 173–490, "Emission Standards and Controls for Sources Emitting Volatile Compounds," as revisions to the Washington SIP as required by the 1990 Clean Air Act Amendment. The purpose of this proposal is to control volatile organic compound emissions from stationary sources in ozone nonattainment areas in the State of Washington.

DATES: Comments must be postmarked on or before May 19, 1993.

ADDRESSES: Comments should be addressed to: Montel Livingston, Environmental Protection Agency, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101.

Copies of the materials submitted to EPA may be examined during normal business hours at: Air Programs Branch (WA2–1–5407), Environmental Protection Agency, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101, and State of Washington, Department of Ecology, 4450 Third Avenue, SE., Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Michael J. Lidgard, Environmental Protection Agency, 1200 Sixth Avenue, AT–082, Seattle, Washington 98101, Telephone: (206) 553–4233.

SUPPLEMENTARY INFORMATION:

I. Background

Sections 172 (a)(2) and (b)(3) of the Clean Air Act of 1977 required sources of volatile organic compound (VOC) emissions to install, at a minimum, reasonably available control technology (RACT) in order to reduce emissions of this pollutant. EPA has defined RACT as the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility (44 FR 53761, September 17, 1979). EPA has developed Control Techniques Guidelines (CTG) for the purpose of informing state and local air pollution control agencies of air pollution control techniques available for reducing emissions of VOC from various categories of sources. Each CTG contains recommendations to the states of what EPA calls the "presumptive norm" for RACT. This general statement of Agency policy is based on EPA's evaluation of the capabilities and problems associated with control technologies currently used by facilities within individual source categories. EPA has recommended that the states adopt requirements consistent with the presumptive norm level.

On June 2, 1988, former EPA Regional Administrator Robie Russell notified Washington Department of Ecology (WDOE) by letter that the ozone State Implementation Plan (SIP) for nonattainment areas was substantially inadequate to provide for timely attainment of the national ambient air quality standards (NAAQS) under section 110(a)(2)(H) of the Clean Air Act. In that letter, EPA identified specific actions needed to correct deficiencies in WDOE regulations representing RACT for sources of VOC emissions.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted. Public Law 101–549, 104 Stat. 2399,

codified at 42 U.S.C. 7401–7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient RACT rules for ozone. Areas designated nonattainment before enactment of the Amendments and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT fix-up requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT as it was required under pre-amended section 172(b) as that requirement was interpreted in pre-amendment guidance.[1] The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Vancouver part of the Portland, Oregon-Vancouver, Washington nonattainment area is classified as marginal.[2] Therefore, this area is subject to the RACT fix-up requirement and the May 15, 1991 deadline.

On May 14, 1991, WDOE submitted amendments to Washington Administrative Code (WAC) Chapter 173–490, "Emission Standards and Controls for Sources Emitting Volatile Compounds," and WAC 173–400, "General Regulations for Air Pollution Sources," as revisions to the Washington SIP. This Notice is to propose approval of the amendments to Chapter 173–490. The section below provides a brief summary of the changes in Chapter 173–490.

A number of sections of Chapter 173–400 are necessary to implement and enforce the standards of Chapter 173–490. Parts of Chapter 173–400 were revised specifically to address deficiencies raised in the EPA SIP call of 1988. Since Chapter 173–400 applies to all pollutants and sources, it has been processed under a separate EPA action. However, the revisions to Chapter 173–400, in part, address the deficiencies cited by EPA in Washington's VOC rules, and relevant revisions to the Chapter 173–400 are also discussed below. Chapter 173–400 was approved on January 15, 1993 (58 FR 4578).

[1] Among other things, the pre-amendment guidance consists of the Post-87 policy, 52 FR 45044 (November 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice" (of which notice of availability was published in the **Federal Register** on May 25, 1988); and the existing CTGs.

[2] Vancouver, WA retained its designation of nonattainment and was classified by operation of law pursuant to section 107(d) and 181(a) upon enactment of the Amendments. 56 FR 56694

II. Technical Evaluation

A technical evaluation and summary of each WAC Chapter revised is as follows:

WAC 173–490 Emission Standards and Controls for Sources Emitting VOC

WAC 173–490–020 Definitions. Substantial changes were made to the definitions section in order to be consistent with EPA guidelines. Five new definitions were added to this section, eighteen existing definitions were modified, and four definitions were deleted. The new definitions include: low organic solvent coating, prime coat, single coat topcoat, and unit turnaround. Some of the more significant modifications include a deletion of part of the petroleum liquids which excluded a number of fuel oils, deletion of a size exemption in the definition of transport tank, and deletion of the vapor pressure cutoff in the definition of VOC. The VOC definition was modified to include any organic compound which participates in atmospheric photochemical reactions.

WAC 173–490–025 General Applicability. Language was added to this section which clarifies the general applicability of chapter 173–400 to all emission sources. Specific emission standards in chapter 173–490 will take precedence over the general emission standards of chapter 173–400.

WAC 173–490–040 Requirements. A general requirement was inserted that references WAC 173–400 in order to demonstrate compliance. A number of changes were made to subsections as follows:

(2) Petroleum Liquid Storage Tanks. The rule was amended to delete an exemption which excluded tanks which stored petroleum liquids with a true vapor pressure greater than 11.1 pounds per square inch.

(4) Bulk Gasoline Plants. This section contains language that prohibits transfer of gasoline should the vapor balance system fail. The old rule only required operations to stop if the failure occurred during the June through September timeframe. Language was added to increase the season consistent with the official ozone monitoring season of April through October (inclusive).

(5) Gasoline Dispensing Facilities. Language was added to allow use of bottom fill lines instead of only submerged fill lines. The language which exempted certain tanks based on capacity was deleted.

(6) Surface Coaters. This section applies to the coating of cans, coils, fabric, vinyl, autos and light trucks, metal furniture, magnet wire, and large appliances. The rule previously only applied to sources with uncontrolled emissions of VOC greater than 40 pounds in any given twenty-four hour period. In EPA guidance, "Issues Relating to VOC Regulation, Cutpoints, Deficiencies, and Deviations, (Blue Book)" published May 25, 1988, EPA requires surface coating rules to include an exemption level no greater than 10 tons per year theoretical potential emissions. The pre-existing state rule did not address whether the determination is based on actual emissions or potential emissions. WDOE interpreted the rule on a potential emission basis and maintain that the applicability level was more stringent than federal guidance. However, WDOE added "potential uncontrolled emissions" to the subsection so that it is now consistent with EPA guidelines.

(9) Cutback Asphalt Paving. In the previous state rule the prohibition on paving applications using cutback asphalt applied during the months of June through September. The rule was amended to add the months of April, May, and October so that the rule is now consistent with the official ozone monitoring season.

WAC 173–490–080 Exceptions. Operation of natural gas-fired incinerators operated for purpose of complying with Chapter 173–490 were required to operate only from June through September. The rule was amended to require the operation from April through October (inclusive) to be consistent with the ozone monitoring season.

WAC 173–490–200 through 202, Petroleum Refinery Equipment Leaks, Petroleum Liquid Storage in External Floating Roof Tanks, Leaks from Gasoline Transport Tanks and Vapor Collection Systems. The outdated applicability dates were deleted. Outdated test methods were deleted and a reference to WAC 173–400 was inserted for demonstration of compliance.

WAC 173–490–203 Perchloroethylene Dry Cleaning Systems. An exemption level was deleted so that the rule is consistent with the EPA Blue Book. Outdated applicability dates were deleted.

WAC 173–490–204 Graphic Arts Systems. The outdated applicability dates were deleted. Outdated test methods were deleted and a reference to WAC 173–400 was inserted for demonstration of compliance.

WAC 173–490–205 Surface Coating of Miscellaneous Metal Parts and Products. The old rule applied only to sources whose VOC emissions were greater than 235 pounds per day. This

language was deleted and the requirement that sources with potential uncontrolled emissions of VOC greater than 10 tons per year was added, which is consistent with the EPA Blue Book. Also, two industrial categories as classified under the Standard Industrial Classification Code were added: Major Group 40 (railroad transportation) and Major Group 41 (transit passenger transportation). The applicability portions of this subsection are now consistent with the EPA Blue Book.

The outdated applicability dates were deleted in this section. Outdated test methods were also deleted and a reference to WAC 173–400 was inserted for demonstration of compliance.

WAC 173–490–207 Surface Coating of Flatwood Paneling. The outdated applicability dates were deleted. Outdated test methods were also deleted and a reference to WAC 173–400 was inserted for demonstration of compliance.

WAC 173–400 General Regulations for Air Pollution Sources

A number of sections of Chapter 173–400 are necessary to implement and enforce the standards of Chapter 173–490. Parts of Chapter 173–400 were revised specifically to address deficiencies raised in the EPA SIP call of 1988. Chapter 173–400 has been processed under a separate EPA action and approved on January 15, 1993 (58 FR 4578). Since the revisions to Chapter 173–400, in part, address the deficiencies cited by EPA in Washington's VOC rules, relevant revisions to the Chapter 173–400 are summarized below.

WAC 173–400–030 Definitions. Substantial changes to the definitions section including additions of the following: Actual emissions, Administrator, emissions unit, major source, potential to emit, RACT, and source.

WAC 173–400–040 General Standards for Maximum Emissions. This section sets the requirement that all sources and emissions units must meet the emission standards of this chapter, however, specific emission standards listed in another chapter will take precedence over the general emission standards. This section also requires that all emission units are required to use RACT. WAC 173–400–020 requires that this chapter applies statewide, not just to the nonattainment areas (subsection of 173–400–020 has not been amended).

WAC 173–400–105 Record, Monitoring, and Reporting. The general provision of this section requires a source to maintain records necessary to determine whether the source is in compliance with the applicable emission limitations. The following subsections are all new to this section.

Subsection 1 establishes emission inventory requirements for sources. The owner or operator must submit an annual inventory. The owner or operator is required to maintain records of information necessary to substantiate reported emission, consistent with the averaging times for the applicable standards.

Subsection 2 lists monitoring requirements while subsection 3 lists the conditions of investigation. Subsection 4 lists requirements for source testing. This subsection requires demonstration of compliance to be conducted using approved EPA methods from 40 CFR part 60, appendix A, which are adopted in the rule by reference.

III. Summary of Action

On May 14, 1991, WDOE submitted amendments to WAC Chapter 173–490, "Emission Standards and Controls for Sources Emitting Volatile Compounds," and WAC Chapter 173–400, "General Regulations for Air Pollution Sources," as revisions to the Washington State Implementation Plan (SIP). This **Federal Register** Notice is to propose approval of Chapter 173–490 WAC as a revision to the Washington State SIP. EPA is today soliciting public comment on its proposed approval of revisions to the SIP. (Chapter 173–400 WAC has been processed under separate EPA action.)

Interested parties are invited to comment on all aspects of this proposed approval. Comments should be submitted in triplicate, to the address listed in the front of this Notice. Public comments postmarked by May 19, 1993, will be considered in the final rulemaking action taken by EPA.

IV. Administrative Review

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions from the requirements of Section 3 of Executive Order 12291 for a period of two years (54 FR at 2222). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the temporary waiver until such time as it rules on EPA's request.

Under 5 U.S.C. 605(b), the Administrator has certified that SIP approvals do not have a significant economic impact on a substantial number of small entities (46 FR 8709).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP will be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under Executive Order 12291, today's action is not "major." It has been submitted to the Office of Management and Budget (OMB) for review.

Authority: 42 U.S.C. 7401–7671q.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: March 24, 1993.

Gerald A. Emison,

Deputy Regional Administrator.

[FR Doc. 93–8985 Filed 4–16–93; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 281

[FRL–4614–6]

Washington; Approval of State Underground Storage Tank Program

AGENCY: Environmental Protection Agency.

ACTION: Notice of tentative determination on application of State of Washington for final approval.

SUMMARY: The Environmental Protection Agency (EPA) has received a complete application from the state of Washington, requesting final approval of its underground storage tank program under Subtitle I of the Resource Conservation and Recovery Act (RCRA). EPA has reviewed the application and has made the tentative decision that Washington's underground storage tank program satisfies all of the requirements necessary to operate in lieu of the federal program. Washington's application for final approval is available for public review.

DATES: The public may submit written comments on EPA's tentative determination until May 19, 1993. Copies of Washington's application are available for inspection and copying at the locations indicated in the "ADDRESSES" section of this notice.

EPA will consider all public comments on its tentative determination

received during the public comment period. Issues raised by those comments may be the basis for a decision to deny final approval to Washington. EPA expects to make a final decision on whether or not to approve Washington's program by July 19, 1993, and will give notice of it in the **Federal Register**. The notice will include a summary of the reasons for the final determination and a response to all major comments.

A public hearing will be held only if significant public interest on substantive issues is shown. All comments on Washington's final approval application must be received at the EPA Region X office by the close of business on May 19, 1993.

ADDRESSES: Copies of Washington's program application are available during business hours at the following addresses for inspection and copying: Washington Department of Ecology Library, 637 Woodland Square Loop, SE., Lacey, Washington, Phone: (206) 438–3049; Washington Department of Ecology Library, Eastern Regional Office, N. 4601 Monroe, Spokane, Washington, 99205–1295, Phone: (509) 456–2926; U.S. EPA, RCRA Information Center, Underground Storage Tank Docket, 401 M Street, SW., Room M2427, Washington, DC 20460, Phone: (202) 260–9720; and U.S. EPA Region 10 Library, 10th floor, 1200 Sixth Ave., Seattle WA, 98101, Phone: (206) 553–1289.

FOR FURTHER INFORMATION, OR TO SUBMIT COMMENTS ON THE APPLICATION, CONTACT: Joan Cabreza, Chief, Underground Storage Tank Section, EPA Region 10, WD–133, 1200 Sixth Ave., Seattle, WA. 98101. Phone: (206) 553–1643.

SUPPLEMENTARY INFORMATION:

A. Background

Section 9004 of the Resource Conservation and Recovery Act (RCRA) enables EPA to approve State underground storage tank (UST) programs to operate in the State in lieu of the Federal UST program. Program approval is granted by EPA if the Agency finds that the State program is (1) "no less stringent" than the Federal program in all seven elements and includes notification requirements of section 9004(a)(8), 42 U.S.C. 6991c(a)(8); and (2) provides for adequate enforcement of compliance with UST standards (section 9004(a), 42 U.S.C. 6991c(a)).

Under the authority of the Washington Underground Storage Tank Statute, 90.76 RCW, passed in April 1989, the Department of Ecology has developed a comprehensive UST regulatory program, consistent with and no less stringent than the federal program. The program includes standards for: New storage system design, construction and installation; new system reporting requirements; upgrading of existing storage systems; general operating requirements; release detection; release reporting; tank closure; and financial responsibility requirements. The law also authorizes local jurisdictions to establish and operate programs more strict than the state program to protect environmentally sensitive areas; allows delegation of all or part of the state program to local jurisdictions; establishes a tank permitting program; and establishes a service provider licensing program. The UST program has responsibility for requiring and receiving tank notifications; providing technical assistance and regulatory information to tank owners, operators, service providers, and transporters of petroleum products, hazardous substances and waste oil; collecting, maintaining and reporting tank information; operating a tank permitting program; carrying out compliance monitoring and enforcement against owners, operators, service providers and distributors in order to bring tanks into compliance with the state regulations; and operating a service provider licensing program. All of these activities are addressed in the UST regulations (Chapter 173–360 WAC) adopted in November, 1990.

The Model Toxics Control Act, 70.105 RCW, provides Ecology the authority to conduct or require potentially liable persons to conduct investigations and cleanup actions for releases of hazardous substances, including petroleum. The law requires Ecology to provide for public participation, initiate investigations within 90 days of learning about a contaminated site, and to publish minimum cleanup standards. Ecology may provide public funding to assist potentially liable persons with remedial action costs through consent decrees, if the funding will achieve a substantially more expeditious or enhanced cleanup, and prevent unfair economic hardship. The law also enables the Attorney General to seek penalties and cost recovery in superior court.

The Toxics Cleanup Program has responsibility for receiving notification and reports for leaking underground storage tank (LUST) sites. LUST staff provide technical assistance to potentially liable persons, negotiate consent decrees, issue enforcement orders, oversee investigations and cleanups, and track information about LUST sites. The Toxics Cleanup Program also provides information about the regulations and financial assistance to owners and operators, and guidance and training to consultants and government officials.

The Washington Pollution Liability Insurance Agency (PLIA) was created under 70.148 RCW to assist UST owners in complying with state requirements. PLIA's UST insurance program reinsures selected insurance companies, limiting the amount of money the companies are required to pay if an insured tank develops a leak. Because the risk to the insurance companies is limited, they can offer lower priced premiums to tank owners.

PLIA's UST Community Assistance Program, created under 374–60 RCW, assists small, rural UST owners with corrective action, repair, replacement, reconstruction, and upgrade costs. A "remote and necessary" gas station may, if it meets all the criteria, receive a grant of up to $150,000 to upgrade/replace its USTs. Of that $150,000, up to $75,000 can be used to clean up contamination caused by a leaking UST.

B. Decision

On December 2, 1992, Washington submitted an official application for final program approval. Prior to its submission, Washington provided an opportunity for public notice and comment in the development of its underground storage tank program as required under 40 CFR 281.50(b). EPA has reviewed Washington's application, and having tentatively determined that the State's program meets all of the necessary requirements, intends to grant Washington final approval to operate its program.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this approval will not have a significant economic impact on a substantial number of small entities. The approval effectively suspends the applicability of certain Federal regulations in favor of Washington's program, thereby eliminating duplicative requirements for owners and operators of underground storage tanks in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 281

Administrative practice and procedure, Hazardous materials, state program approval, and Underground storage tanks.

Authority: This notice is issued under the authority of sections 2002(a), 7004(b), and 9004 of the Solid Waste Disposal Act as amended, 42 U.S.C. 6912(a), 6974(b), and 6991(c).

Dated: March 25, 1993.

Dana A. Rasmussen,

Regional Administrator.

[FR Doc. 93-9046 Filed 4-16-93; 8:45 am]

BILLING CODE 6560-50-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-90, RM-8198]

Radio Broadcasting Services; Toledo, OR

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by AGPAL Broadcasting Co. seeking the substitution of Channel 264C2 for Channel 264A at Toledo, Oregon, and the modification of Station KZUS' license to specify operation on the higher class channel. Channel 264C2 can be allotted to Toledo in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.9 kilometers (4.9 miles) northwest to avoid a short-spacing to Station KICE, Channel 264C1, Bend, Oregon, at coordinates North Latitude 44-39-01 and West Longitude 124-01-42. In accordance with Section 1.420(g) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 264C2 at Toledo or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before June 4, 1993, and reply comments on or before June 21, 1993.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: AGPAL Broadcasting Co., P.O. Box 456, Newport, Oregon 97365 (Petitioner).

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 93-90, adopted March 22, 1993, and released April 13, 1993. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 93-9011 Filed 4-16-93; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 58, No. 73
Monday, April 19, 1993

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Government Owned Inventions Available for Licensing

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of Government owned inventions available for licensing.

SUMMARY: The inventions listed below are owned by the U.S. Government as represented by the Department of Agriculture, and are available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development. Foreign patents are filed on selected inventions to extend market coverage for U.S. companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on these inventions may be obtained by writing to: M. Ann Whitehead, Patent Coordinator, USDA, ARS, room 403, Bldg. 005, BARC-West, Beltsville, Maryland 20705; 301–504–6786 or Fax 301–504–5060. Issued patents may be obtained from the Commissioner of Patents, U.S. Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: The inventions available for licensing are:

7–764,924, (U.S. 5,174,897) Constructed Wetlands to Control Nonpoint Source Pollution

07–945,283, Pseudorabies Virus Deletion Mutants Involving the EPO and LLT Genes

07–991,811, Starch-Natural Gum Composite Compositions as Thickening and Suspending Agents

8–002,342, Seafood Analogs from Caseinate and Process for Making Same

8–006,400, A Heliothis Subflexa Cell Line for the Production of Baculoviruses

8–012,826, Composition for the Control of Pepper Weevils

M. Ann Whitehead,

National Patent Coordinator.

[FR Doc. 93–9033 Filed 4–16–93; 8:45 am]

BILLING CODE 3410–03–M

Animal and Plant Health Inspection Service

[Docket No. 93–030–1]

Secretary's Advisory Committee on Foreign Animal and Poultry Diseases; Meeting

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of meeting.

SUMMARY: We are giving notice of a meeting of the Secretary's Advisory Committee on Foreign Animal and Poultry Diseases.

PLACE, DATES, AND TIME OF MEETING: The meeting will be held in the Harbor Room of the Comfort Suites Laurel Lakes, 14402 Laurel Place, Laurel, Maryland 20707, (301) 206–2600, June 29 through July 1, 1993. Sessions will be held from 8 a.m. to 5 p.m. on June 29 and 30, and from 8 a.m. to noon on July 1, 1993.

FOR FURTHER INFORMATION CONTACT: Dr. M.A. Mixson, Chief Staff Veterinarian, Emergency Programs Staff, VS, APHIS, USDA, room 747, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8073.

SUPPLEMENTARY INFORMATION: The Secretary's Advisory Committee on Foreign Animal and Poultry Diseases (Committee) advises the Secretary of Agriculture of means to suppress, control, or eradicate an outbreak of foot-and-mouth disease, or other destructive foreign animal or poultry diseases in the event these diseases should enter the United States. The Committee also advises the Secretary of Agriculture of means to prevent these diseases.

Tentative topics for discussion at the upcoming meeting will include, among other things, the world disease situation, including hog cholera in Mexico; screwworm eradication and other International Services' activities; import-export animals and animal products; regionalization and risk assessment in international trade; action plans and exercises for emergency preparedness; emergency response for food safety issues involving residues, natural disasters, or other threats; and updates on mystery horse disease, avian influenza, and bovine spongiform encephalopathy. The Committee will also develop recommendations and prepare comments on control and eradication guides for foot-and-mouth disease and other foreign animal diseases.

The meeting will be open to the public. Written statements concerning meeting topics may be filed with the Committee before or after the meeting by sending them to Dr. M.A. Mixson at the above address, or may be filed at the meeting.

This notice of meeting is given pursuant to section 10 of the Federal Advisory Committee Act.

Done in Washington, DC, this 13th day of April 1993.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 93–9100 Filed 4–16–93; 8:45 am]

BILLING CODE 3410–34–P

Food and Nutrition Service

Food Stamp Program: Grants to Improve Food Stamp Participation

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of grant application availability and submission deadline.

SUMMARY: This notice announces the intention of the United States Department of Agriculture (the Department), pursuant to section 1759 of the Food, Agriculture, Conservation, and Trade Act of 1990 (FACT Act), to conduct a program of competitive grants for outreach demonstration projects.

DATES: Application packages will be released on March 8, 1993. Applications will be due on May 10, 1993.

ADDRESSES: Interested non-profit organizations and State/local agencies should submit a written request for an application package (and include four self-addressed mailing labels) to the following address: USDA, Food and Nutrition Service, Contract Management Branch, ASD, Attn: Linda Young, 3101 Park Center Drive, room 914, Alexandria, Virginia 22302–1594.

FOR FURTHER INFORMATION CONTACT: Linda Young, Contract Specialist, at the

address listed above or telephone (703) 305–2250, extension 41.

SUPPLEMENTARY INFORMATION:

Executive Order 12291/Secretary's Memorandum 1512–1

This notice has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512–1 and has been classified by the Department as non-major. The annual effect of this notice on the economy will be less than $100 million. This notice will not result in major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. Additionally, this notice will not result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. This notice is excluded from the scope of Executive Order No. 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Andrew P. Hornsby, Jr., Acting Administrator of the Food and Nutrition Service, has certified that this notice will not have a significant economic impact on a substantial number of small entities. State and local welfare agencies will be affected only to the extent that they may decide to compete to participate in the demonstration projects. Applicants and participants in the Food Stamp Program will not be affected.

Description of Projects

Congress has made available $1 million in Fiscal Year 1993 for outreach grant awards and evaluation. Approximately $600,000 is planned for outreach grants. These projects are to be specifically designed to demonstrate a broad range of outreach and client-assistance enrollment techniques including a specified list of approaches mandated in the FACT Act: (1) Utilization of local outreach workers and volunteers; (2) development of solutions to transportation and access problems; (3) in-service training for those capable of referring households to the program; (4) community presentations and education; (5) pre-screening assistance for program eligibility; (6) individualized client assistance; (7) consultation and referral for benefit appeals; (8) recruitment of authorized representatives for applicants unable to appear for certification or at authorized food stores; and, (9) the production of electronic media campaigns. The projects' "target populations" shall be hard-to-reach underserved population groups identified in the FACT Act as: Rural, elderly, working-poor families with children, non-English speaking minorities, and homeless persons. Particular emphasis will be placed on "public/private partnerships" between State and local food stamp offices and private non-profit grantees. The project design should attempt to reduce local food stamp office burdens through an emphasis on private-side participation and resources to conduct enrollment-assistance activities. In turn, the State agency should play a strong role in the training of non-profit grantee staff and community members. An additional separate grant or grants of up to $200,000 will be awarded on a 50–50 matching basis for the development and dissemination of general food stamp outreach materials. The grantee also must be able to disseminate widely the materials developed under this grant through other non-profit organizations (both public and private). Also, $200,000 will be devoted for an independent coordinated evaluation of the projects. Outreach project grantees shall be required to cooperate in producing data needed for this independent process and impact evaluation of their projects.

State/local agencies and private non-profit organizations interested in participating in this project are invited to request an application package, which contains detailed information and instructions on preparing and submitting project proposals. Local agency proposals must include private non-profit organization cooperator(s) or co-applicants and be designed to demonstrate the public/private partnership model noted above. Preference will be given to projects proposed by or fully involving grassroots organizations representing or closely reflecting the target populations that are the objective of this outreach effort. Preference will be given to project designs that emphasize grassroots outreach methods utilizing peer counselors and other community-based resources, skills, and knowledge.

Dated: April 12, 1993.

Andrew P. Hornsby, Jr.,

Acting Administrator.

[FR Doc. 93–9096 Filed 4–16–93; 8:45 am]

BILLING CODE 3410–30–U

Forest Service

Southern Region; Exemption From Appeal of Salvage Timber Sale Decision on the Tellico Ranger District, Cherokee National Forest

AGENCY: Forest Service, USDA.

ACTION: Notice; exemption of decision from administrative appeal.

SUMMARY: Pursuant to 36 CFR 217.4(a)(11) the Regional Forester for the Southern Region has determined that good cause exists and notice is hereby given to exempt from administrative appeal the decision to salvage blown down and damaged trees that were affected by the recent tornado on the Tellico Ranger District of the Cherokee National Forest and, where necessary, to rehabilitate the damaged areas. If not salvaged quickly, blue stain and insect damage will render these trees unmerchantable as sawtimber and will also create a severe fire hazard.

EFFECTIVE DATE: April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Questions about this exemption should be directed to Jean P. Kruglewicz, Southern Region, Forest Service-USDA, 1720 Peachtree Road, NW., Atlanta, GA 30367, (404) 347–4867.

SUPPLEMENTARY INFORMATION: On February 21, 1993, a tornado traveled across the Tellico Ranger District of the Cherokee National Forest on a west to east path for approximately eight miles. Trees were uprooted and damaged on approximately 800 acres. In some locations, practically all of the trees were severely damaged or uprooted while on other locations, only scattered trees were damaged or uprooted. In addition, some submerchantable poletimber stands were damaged.

The timber stands severely damaged by the tornado require restoration through salvage of the merchantable trees and, in some cases, rehabilitation, through site preparation and reforestation. As temperature begins to climb with the approach of spring, conditions conducive to the onset and rapid spread of blue stain fungi will occur in the recently damaged timber. Blue stain will begin to infect dead or dying trees within days of their injury or death and within three months will spread to such an extent as to render the trees unmerchantable as sawtimber. Within four or five months, even value

as pulpwood will be greatly diminished. Insect infestations (for example, pine engraver, turpentine and southern pine beetle) may also occur and further compound the damage. If trees are not salvaged, a large number of living trees will develop advanced decay. This will lead to reduced tree quality and increased hazard to visitors. Fire hazard will increase rapidly as the downed timber dries out in the spring and will continue to be a hazard until decomposition is well advanced. The storm has created a seven-fold increase in available fuel going from a normal loading of 10-tons per acre to 70-tons per acre.

Following salvage of the damaged trees, areas on suitable forest land will need to be reforested. Any planting needed will be accomplished during the winter months. Prior to that time, some sites will need to be prepared for planting. Other stands will require timber stand improvements to allow natural regeneration to become established or to maintain and enhance the residual, remaining stand. Sufficient time will be necessary to complete site preparation and timber stand improvements during the summer months.

An environmental assessment was prepared on a proposed action to salvage the blown down and damaged trees and to rehabilitate the damaged stands. The analysis includes methods of harvest, site preparation, timber stand improvements and reforestation. The environmental document and biological evaluation disclose the effects of the proposed action on the environment, document public involvement, and address the issues raised by the public. The Cherokee National Forest Supervisor will be issuing a decision in the near future based on the disclosure of environmental effects in the Environmental Assessment regarding salvage of damaged trees and rehabilitation of damaged areas. Given the present condition of the tornado damaged timber, the impending onset of higher temperatures in spring and the need to complete site preparation and stand improvements this summer, the need for immediate action is critical. Any delay will result in losses to presently merchantable timber, may facilitate back beetle outbreaks, and will make subsequent rehabilitation effort more difficult.

Dated: April 13, 1993.

R.B. Erickson,

Deputy Regional Forester.

[FR Doc. 93-9044 Filed 4-16-93; 8:45 am]

BILLING CODE 3410-11-M

Diamond Bar Allotment Management Plan, Gila National Forest, Grant, Catron and Sierra Counties, NM

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare environmental impact statement.

SUMMARY: The Forest Service will prepare an environmental impact statement (EIS) on a proposal to develop an allotment management plan on the Diamond Bar Allotment.

DATES: Planning for management of the Diamond Bar Allotment has been going on for several years. Scoping for this project was first initiated in 1987. Since that time, public comments were formally solicited on three different occasions and a draft environmental assessment was completed. The environmental assessment resulted in the decision to complete an EIS. Written comments on the draft EIS are encouraged. The draft environmental impact statement should be released in June, 1993.

ADDRESSES: Send written comments to Wilderness Ranger District, P.O. Box 79, Mimbres, New Mexico, 88049.

FOR FURTHER INFORMATION CONTACT: Gerald Engel, District Ranger, (505) 536-2250.

SUPPLEMENTARY INFORMATION: The Mimbres/Wilderness Ranger District proposes to develop an allotment management plan for the Diamond Bar Allotment. The nature and scope of the decision involves the selection of a grazing management strategy and accompanying level of range developments (water developments and fences) necessary to properly manage the Diamond Bar Allotment. Eighty-five percent of the allotment is comprised of parts of two wilderness areas, the Aldo Leopold and Gila. The Diamond Bar Allotment contains three sensitive riparian areas, South Diamond Creek, Black Canyon and a portion of East Fork of the Gila river. South Diamond Creek is home to the endangered Gila trout. Black Canyon receives significant recreational use and is a potential Gila trout introduction stream. The East Fork of the Gila contains Loach minnow, Spike dace and Roundtail chub, all threatened or State listed species. Evaluation of current range conditions within the allotment indicates that range conditions are satisfactory throughout most of the allotment. The notable exception is key riparian areas. Correcting degraded riparian conditions is one of the primary objectives in development of a management plan. Gross acreage of the allotment is approximately 145,578 acres. The grazing permit for the Diamond Bar Allotment was 1188 cattle yearlong, when this section of the Wildernesses was classified in 1980. The existing permit is also for 1188 cattle yearlong. Future management of this allotment must be closely guided by the Wilderness Act, as amended, and the Congressional Grazing Guidelines. The Wilderness Act is very clear in its intent that "the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture".

Scoping and solicitation of public comments was initiated in 1987. A draft environmental assessment was then completed, which resulted in the decision to complete an EIS. Issues, which have been identified, include conflicts between primitive recreational users and cattle, habitat degradation of key riparian sites, impacts upon threatened, endangered and sensitive species habitat, construction of new range improvements in the wilderness, cost of range improvements, economical impacts upon permittee and local counties, use of motorized equipment in the wilderness, conflicts between cattle and other wildlife species and water quality impacts. Preliminary alternatives which have been developed include:

Alternative A—This alternative is the "No Action" alternative required by the National Environmental Policy Act. This alternative describes the baseline for comparison of other alternatives. This alternative would provide for maintaining only those improvements already existing. No additional improvements would be constructed. There are 98 miles of fence, 49 stock tanks, 7 wells and 19 corrals that currently exist on the allotment. Current permitted numbers are 1188 cattle yearlong. Under this alternative, the allotment is divided into three large pastures. The rotation system has involved grazing the entire allotment each year.

Alternative B—This alternative would provide for maintaining only those improvements already existing in place. No additional improvements would be constructed. Under this alternative, existing management and permitted numbers would be adjusted. Permitted numbers would be reduced to approximately 300 cattle yearlong. The rotation system would involve grazing one quarter of the allotment each year. Grazing would be excluded from the high country east of Forest Road 150.

Alternative C—This alternative would exclude grazing of the high elevation

country east of Forest Road 150. Development of new improvements and maintenance of existing improvements would continue in the lower elevation country. New developments needed include 20 stock tanks and 15 miles of fence. Permitted numbers would be reduced to approximately 600 head. Under this alternative, the allotment would be divided into four pastures. The rotation system would involve grazing three pastures and resting one each year.

Alternative D—This alternative would continue implementation of the Memorandum of Understanding and existing management plan. Development of new improvements and maintenance of existing improvements would continue as outlined in the Memorandum of Understanding. New developments needed include 15 stock tanks, 8.5 miles of fence and 2 miles of trail. Permitted numbers would be reduced to approximately 800 head. Under this alternative, the allotment would be divided into four pastures. The rotation system would involve grazing one half of the allotment each year.

Alternative E—This alternative was proposed by the permittees. This alternative would place improvements in all areas of the allotment. New improvements needed include 41 stock tanks, 40 miles of fence and 2 miles of trail. Permitted numbers would be 1188 cattle yearlong. Under this alternative, the allotment would be divided into ten pastures. The rotation system would involve grazing the entire allotment.

Alternative F—This alternative involves design of improvements to effectively manage Black Canyon, South Diamond and the East Fork of the Gila River. New improvements needed include 33 stock tanks and 28 miles of fence. Permitted numbers would be 1188 cattle yearlong. Under this alternative, the allotment would be divided into six pastures with implementation of two separate rotation systems. The alternative would establish a three pasture deferred rotation system on the winter use pastures and a three pasture rest rotation system on the summer use pastures. Upper Black Canyon and upper South Diamond Creek would be consolidated into one pasture for management purposes. This riparian pasture would be utilized for a period of sixty days two years out of three. Scheduled use would occur in the spring for two years, followed by twenty-two months of rest. The cycle would then repeat.

Alternative G—This alternative would implement two separate rotation systems. The lower elevation country west of the north south division fence would be grazed with 600–800 mother cows for a twelve month period and 250–350 yearlings for a six month winter period. A four pasture rest rotation system of grazing would be established for the base herd. A two pasture deferred grazing system would be established for the yearlings. Lower Main Diamond would be excluded from cattle grazing with exception of access points to water. The East Fork of the Gila would continue to be managed as a separate bull pasture with use occurring during the winter months of November thru March. The higher elevation country east of the north-south division fence would be grazed with yearlings on an annual basis. However, use would alternate between upper South Diamond and upper Black Canyon. The number of yearlings to be grazed would depend upon available water and forage conditions. However, the total number of yearlings grazed in combination with the mother cows would not exceed 1188 head. Only incidental use of the riparian bottoms, amounting to 10%–15% on the woody riparian species, would be permitted in the riparian areas. The intent would be to keep cattle out of the bottoms until they recover, utilizing intensive herding. New improvements needed include 23.5 miles of fence and 20 stock tanks.

The lead agency in the preparation of this EIS is the Gila National Forest.

The estimated date for filing the draft EIS is June, 1993. The estimated date for completion of the final EIS is January, 1994.

The responsible official is Maynard Rost, Forest Supervisor, Gila National Forest, 2610 N. Silver Street, Silver City, New Mexico, 88061.

Written comments on the draft EIS are encouraged. The comment period on the draft environmental impact statement will be 45 days from the date the Environmental Protection Agency publishes the notice of availability in the Federal Register.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp* v. *NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement stage but that are not raised until after completion of the final environmental impact statement may be waived or dismissed by the courts, *City of Angoon* v. *Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points).

Dated: April 8, 1993.

F. Carl Pence,

Deputy Forest Supervisor, Gila National Forest.

[FR Doc. 93–9008 Filed 4–16–93; 8:45 am]
BILLING CODE 3410–11–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Nevada Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Nevada Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 12 noon, on May 6, 1993, at the Corporate Offices, Southwest Gas Company, 5241 Spring Mountain Road, Las Vegas, Nevada. The purpose of the meeting is to review current civil rights developments in the State and to plan future program activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Margo Piscevich, or Philip Montez, Director of the Western Regional Office, 213–894–3437 (TDD 213–894–0508). Hearing-impaired persons who will attend the meeting and require the services of a

sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 9, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93-9005 Filed 4-16-93; 8:45 am]

BILLING CODE 6335-01-P

Agenda and Notice of Public Meeting of the Washington Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 1 p.m. and adjourn at 3 p.m. on May 6, 1993, at the Seattle Marriott Seatac, 3201 S. 176th Street, Seattle, Washington 98118. The purpose of the meeting is to review current civil rights developments in the State and to plan future project activities.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Sharon Bumala or Philip Montez, Director of the Western Regional Office, 213-894-3437 (TDD 213-894-0508). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 9, 1993.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 93-9006 Filed 4-16-93; 8:45 am]

BILLING CODE 6335-01-P

DEPARTMENT OF COMMERCE

Agency Forms Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: International Trade Administration (ITA).

Title: Annual Report from Foreign-Trade Zones.

Agency Form Number: ITA-359P.

OMB Approval Number: 0625-0109.

Type of Request: Revision of an approved collection of information.

Burden: 9,681 reporting/recordkeeping hours.

Number of Respondents: 115.

Avg Hours Per Response: 37 hours.

Needs and Uses: Foreign-trade zone grantees are required to submit reports on zone operations annually to the Foreign-Trade Zones (FTZ) Board which in turn must submit an annual report to Congress. The information contained in the reports relates to international trade activity in zones. Congress and the Department uses it to determine the economic effects of the FTZ program. The public reviews the summary of the activities carried on in the zones to evaluate the effect of zone activity on industry sectors. The report is also used by the FTZ Board and other trade policy officials to determine whether zone activity is consistent with U.S. international trade policy, and whether it is in the public interest.

Affected Public: State or local governments, businesses or other for-profit organizations, non-profit institutions, small businesses or organizations.

Frequency: Annually, recordkeeping.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Gary Waxman, (202) 395-7340, Room 3208, New Executive Office Building, Washington, D.C. 20503.

Agency: National Oceanic and Atmospheric Administration (NOAA).

Title: Involuntary Child and Spousal Support Allotments of NOAA Corps Officers.

Agency Form Number: None.

OMB Approval Number: 0648-0242.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 1 hour.

Number of Respondents: 1.

Avg Hours Per Response: 1 hour.

Needs and Uses: Individuals entitled to unpaid spousal or child support from NOAA Corps officers may submit substantiating information in order to have the money deducted from the officer's paycheck.

Affected Public: Individuals.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Ron Minsk, (202) 395-3084, Room 3019, New Executive Office Building, Washington, D. C. 20503.

Agency: Patent and Trademark Office.

Title: Address — Affecting Provisions.

Agency Form Numbers: PTO-SB-82 and PTO-SB-83.

OMB Approval Number: Formerly approved under 0651-0011.

Type of Request: New number is being requested — no change in substance of collection.

Burden: 8,130 hours.

Number of Respondents: 47,500.

Avg Hours Per Response: .02 hours.

Needs and Uses: The information collected is used to name a representative, as well as advise PTO when a representative withdraws, the power of attorney is revoked, or when there is a change of address for the representative or applicant. The information is used to ensure that correspondence reaches the appropriate person in a timely manner.

Affected Public: Individuals, businesses or other for-profit organizations, federal agencies or employees, non-profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202-395-3785, Room 3235, New Executive Office Building, Washington, D. C. 20503.

Agency: Patent and Trademark Office (PTO).

Title of Survey: Document Disclosure Program.

Agency Form Number: PTO-SB-95.

OMB Approval Number: Formerly approved under collection 0651-0011.

Type of Request: New approval number if being requested — no change in substance of collection.

Burden: 5,400 hours.

Number of Respondents: 27,000.

Avg Hours Per Response: .02 hours.

Needs and Uses: Under the Document Disclosure Program, prospective patent applicants can submit papers disclosing information up to two years prior to actually filing an application. This filing provides evidence of the date the invention was conceived.

Affected Public: Individuals, businesses or other for-profit organizations, federal agencies or employees, non-profit institutions, small businesses or organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Maya A. Bernstein, (202) 395-3785, Room 3235, New Executive Office Building, Washington, D.C. 20503.

Copies of the above information collection proposals can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 482-

3271, Department of Commerce, Room 5327, 14th and Constitution Avenue, N.W., Washington, D. C. 20230.

Written comments and recommendations for the proposed information collections should be sent to the respective Desk Officers listed above.

Dated: April 7, 1993

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 93-9101 Filed 4-16-93; 8:45 am]

BILLING CODE 3510-CW-F

International Trade Administration

[A-455-802]

Preliminary Affirmative Determination of Critical Circumstances: Certain Cut-to-Length Carbon Steel Plate From Poland

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

EFFECTIVE DATE: April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Judith Wey or Lori Way, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482-6320 or 482-0656, respectively.

PRELIMINARY CRITICAL CIRCUMSTANCES DETERMINATION: On March 12, 1993, petitioners in this investigation alleged that critical circumstances exist with respect to imports of certain cut-to-length carbon steel plate from Poland. The Department of Commerce (the Department) published its preliminary determination of sales at less than fair value in this investigation on February 4, 1993 (58 FR 7116).

In accordance with 19 CFR 353.16(b)(2)(ii), since this allegation was filed later than 20 days before the scheduled date of the preliminary determination, we must issue our preliminary critical circumstances determination not later than 30 days after the allegation was filed.

Section 733(e)(1) of the Tariff Act of 1930, as amended, provides that the Department will determine that there is a reasonable basis to believe or suspect that critical circumstances exist if:

(A) (i) There is a history of dumping in the United States or elsewhere of the class or kind of merchandise which is the subject of the investigation, or

(ii) The person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than its fair value, and

(B) There have been massive imports of the class or kind of merchandise which is the subject of the investigation over a relatively short period.

Imputed knowledge of dumping. To determine whether the persons for whom or for whose account the merchandise was imported knew or should have known that the exporter was selling the merchandise which is the subject of the investigation at less than their fair value, the Department's practice is to impute knowledge of dumping when the estimated margins are of such a magnitude that the importer should have reasonably known that dumping exists with regard to the subject merchandise. Normally we consider estimated margins of 25 percent or greater on sales to unrelated parties and margins of 15 percent or greater on sales through related parties to be sufficient to impute such knowledge. (See, Final Determination of Sales at Less Than Fair Value: Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from Italy (52 FR 24196, June 29, 1987) and Final Determination of Sales at Less Than Fair Value: Certain Internal-Combustion, Industrial Forklift Trucks from Japan (53 FR 12522, April 15, 1988).) In this investigation, we were unable to calculate preliminary dumping margins and, instead, relied upon an average of the margins calculated in the petition as the best information available (BIA). The resulting margin was 75.44 percent, which is above the Department's threshold margin for imputing knowledge of dumping. Accordingly, we found that importers either knew or should have known that the imports of cut-to-length carbon steel plate were being sold at less than fair value.

Because we have determined that importers of this merchandise knew, or should have known, that the merchandise was being sold at less than fair value, the Department does not need to determine whether there is a history of dumping of the subject merchandise.

Massive imports. In this investigation, because we have preliminarily found that importers knew, or should have known, that the merchandise was being sold at less than fair value, we need to consider whether the imports of the merchandise have been massive.

According to 19 CFR 353.16(f) and 353.16(g), we generally consider the following to determine whether imports have been massive over a relatively short period of time: (1) Volume and value of the imports; (2) seasonal trends (if applicable); and (3) the share of domestic consumption accounted for by the imports.

When examining volume and value data, the Department normally compares the export volume for equal periods immediately preceding and following the filing of the petition (the "pre-initiation period" and the "post-initiation period"). Under 19 CFR 353.16(f)(2), unless the imports in the comparison period have increased by at least 15 percent over the imports during the base period, we will not consider the imports to have been "massive."

To determine whether there have been massive imports over a relatively short period of time, the Department examines shipment information submitted by the respondent or import statistics, when respondent-specific shipment information is not available. In this case, because petitioners' allegation was made too late to request respondent's shipment information for the preliminary critical circumstances determination, our analysis is based on U.S. Department of Commerce IM-145 import statistics. To determine whether or not there have been massive imports of steel plate, we compared export volume for the six months subsequent to the filing of the petition (July through December 1992) to the six months prior to the filing of the petition (January through June 1992). We were unable to consider changes in import penetration, pursuant to § 353.16(f)(1)(iii), because the available data did not permit a post-filing analysis. Nevertheless, based on Department IM-145 import statistics, we find that imports of steel plate from Poland have been massive over a relatively short period.

In conclusion, given that (1) knowledge of dumping exists, and (2) imports have been massive, we preliminarily find that critical circumstances exist in this case.

We will request shipper specific information from the respondent and consider this information when making the final critical circumstances determination.

FINAL CRITICAL CIRCUMSTANCES DETERMINATIONS: We will make a final determination concerning critical circumstances when we make our final determination in this investigation, i.e., by June 21, 1993.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination.

Public Comment

Since this preliminary critical circumstances determination is being made before the due date for public

comment on our preliminary determination of sales at less than fair value in this case, we will accept written comments on this preliminary determination of critical circumstances until May 3, 1993, the date on which case briefs are due.

This determination is published pursuant to section 733(f) of the Act.

Dated: April 12, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-9028 Filed 4-16-93; 8:45 am]

BILLING CODE 3510-DS-P

[A-823-802]

Termination of Suspension Agreement and Resumption of Investigation on Uranium From Ukraine

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of termination of suspension agreement and resumption of antidumping duty investigation.

SUMMARY: The Government of Ukraine has terminated the suspension agreement on uranium from Ukraine. Therefore, the Department of Commerce ("the Department") is resuming the investigation.

EFFECTIVE DATE: April 12, 1993.

FOR FURTHER INFORMATION CONTACT: Melissa Skinner or Beth Chalecki, Office of Agreements Compliance (for matters pertaining to the termination of the suspension agreement), and Lawrence P. Sullivan or Carole Showers, Office of Investigations (for matters pertaining to the resumption of the investigation), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482-2822, 482-2312, 482-0114, or 482-3217, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 1992, the Department suspended the antidumping duty investigation involving uranium from Ukraine. The basis for the suspension was an agreement by Ukraine to restrict exports of uranium to the United States.

On December 30, 1992, the Department received a letter from the Government of Ukraine (GOU) notifying the Department of its intent to terminate the agreement. Subsequently, on February 1, 1993, the GOU submitted an additional letter to the Department confirming that the GOU was terminating the suspension agreement on uranium. Section XII of the agreement provided that the GOU could terminate the agreement effective 60 days after providing the Department with notice of such termination. Ukraine's termination was to be effective April 2, 1993. However, we received notification via a diplomatic note through the United States Department of State and the United States Embassy in Ukraine which apparently indicated that the Ukrainian Ministry of Foreign Economic Affairs did not want to terminate the agreement. Subsequently, on April 12, 1993, the Department received a revised unofficial translation of the diplomatic note from the United States Embassy in Ukraine. Based on the revised translation the Department is terminating effective April 12, 1993.

Scope of the Agreement

Imports covered by this investigation include natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing natural uranium or natural uranium compounds; uranium enriched in U^{235} and its compounds; alloys, dispersions (including cermets), ceramic products and mixtures containing uranium enriched in U^{235} or compounds of uranium enriched in U^{235}. Both low-enriched uranium (LEU) and highly-enriched uranium (HEU) are included within the scope of this investigation. LEU is uranium enriched in U^{235} to a level of up to 20 percent, while HEU is uranium enriched in U^{235} to a level of 20 percent or more. The uranium subject to this investigation is provided for under subheadings 2162.10.00.00, 2844.10.10.00, 2844.10.20.10, 2844.10.20.25, 2844.10.20.50, 2844.10.20.55, 2844.10.50.00, 2844.20.00.10, 2844.20.00.20, 2844.20.00.30, and 2844.20.00.50 of the Harmonized Tariff Schedule (HTS). HTS numbers are provided for convenience and customs purposes only. The written description remains dispositive.

Resumption of Investigation

Because Ukraine has terminated the agreement, there no longer exists an agreement under section 734(1) of the Tariff Act of 1930, as amended ("the Act"), which "prevent[s] the suppression or undercutting of price levels of domestic products by imports of the merchandise under investigation." Therefore, in accordance with section 734(1)(2) of the Act, the Department must resort to section 734(i)(1)(B), which directs us to resume the investigation as if our preliminary determination were published on April 12, 1993. In accordance with section 735(a), we will issue a final determination within 75 days of April 12, 1993, unless respondents request an extension pursuant to 19 CFR 353.20(b).

In making its final determination in this investigation, the Department will use only information already submitted in the investigation, which was suspended on October 16, 1992. (see Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; Suspension of Antidumping Investigations and Amendment of Preliminary Determinations; (57 FR 49220; October 30, 1992).

Suspension of Liquidation

In its preliminary determination in this investigation (*see* Preliminary Determinations of Sales at Less Than Fair Value: Uranium from Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Ukraine, and Uzbekistan; and Preliminary Determinations of Sales at Not Less Than Fair Value: Uranium from Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Turkmenistan (57 FR 23380; June 3, 1992), the Department preliminarily determined that critical circumstances exist with respect to imports of uranium from Ukraine. Therefore, in accordance with section 733(e) of the Act, the Department is instructing the U.S. Customs Service (1) to suspend liquidation of all unliquidated entries of uranium, as defined in the Scope of Investigation section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1992 (90 days prior to the publication of our preliminary determination) through October 16, 1992 (the signing of the suspension agreement), and (2) to suspend liquidation of all entries of uranium from Ukraine that are entered, or withdrawn from warehouse, for consumption on or after the effective date of this notice. The Customs Service shall require a cash deposit or bond equal to 115.82 percent *ad valorem*, the estimated weighted-average amount by which the foreign market value of the subject merchandise exceeds the United States price, for all manufacturers, producers, and exporters of uranium from Ukraine.

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of this determination. If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten

material injury to, the U.S. industry before the latter of 120 days after the effective date of this notice or 45 days after publication of our final determination.

Dated: April 12, 1993.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 93-9102 Filed 4-16-93; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

National Voluntary Laboratory Accreditation Program; Calibration Laboratories Workshop

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice—Calibration Laboratories accreditation workshop.

SUMMARY: The National Institute of Standards and Technology (NIST) will host a public workshop on May 18, 1993 to provide interested parties an opportunity to participate in the development of the Program Handbook for Calibration Laboratories. This handbook will be used along with a Technical Guide which is under development, to accredit laboratories in eight fields of calibration (Dimensional, Electromagnetic-DC/Low Frequency, Electromagnetic-RF/Microwave, Ionizing Radiation, Mechanical, Optical Radiation, Thermodynamic, Time and Frequency). A draft Calibration Laboratories Program Handbook will be available for limited distribution to those attending the workshop or to those willing to provide technical comments on the document.

DATES: The workshop will be held on Tuesday, May 18, 1993 from 9 a.m. to 4 p.m.

PLACE: The workshop will be held at the National Institute of Standards and Technology, Boulder Laboratories, Boulder, Colorado.

FOR FURTHER INFORMATION CONTACT: National Voluntary Laboratory Accreditation Program (NLAP), National Institute of Standards and Technology, Building 411, room A162, Gaithersburg, MD 20899, by phone at (301) 975-4016, or by FAX at (301) 926-2884. To assist in preparing for the workshop, please inform NVLAP about individuals/organizations planning to attend the workshop.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with the NVLAP Procedures (15 CFR part 7). In a **Federal Register** Notice dated May 18, 1992 (Vol. 57, No. 96), the National Institute of Standards and Technology (NIST) announced the establishment of the program for calibration laboratories, "Accreditation for Calibration Laboratories," pursuant to the request by the National Conference of Standards Laboratories in a letter of June 13, 1991, announced in the **Federal Register** of August 21, 1991. Accreditation will be offered to all applicant laboratories that fulfill the requirements of the National Voluntary Laboratory Accreditation Program (NVLAP).

Administrative and general technical criteria have been developed and incorporated into a draft Calibration Laboratories Program Handbook which will be presented and reviewed at the workshop, and interested parties will have an opportunity to comment. The companion Technical Guide which covers technical criteria for each of the eight fields of calibration is currently under development. The workshop is part of the NVLAP process of assuring that accreditation programs are of high technical quality, responsive to the technical needs of the metrology community, and are relevant to the needs of those affected by accreditation. Future workshops will be scheduled as the Calibration Program continues to develop.

The following plans for the workshop have been established:

1. Purpose: The workshop will provide all interested persons with an opportunity to participate and contribute to the finalization of administrative and general technical criteria, requirements, and procedures for evaluation and accreditation of laboratories that provide calibration services.

2. Procedure: The workshop will be an informal, nonadversarial meeting. The presiding NIST chairperson(s) will allocate the time available for presentation and discussion of each issue to be addressed, and will exercise authority as needed to ensure the equitable, efficient and orderly conduct of the meeting. If sufficient interest is evident, and time allows, working groups will be formed to discuss the development of technical criteria for the Technical Guide in relation to the draft Program Handbook.

3. Provisions: This workshop will be open to the public; there is no registration fee. Housing is the responsibility of attendees, however arrangements have been made with local motels to set aside blocks of rooms at government and corporate rates for the convenience of those attending the workshop. Contact the NVLAP office for details.

The workshop will take place on May 18, 1993, at NIST, Boulder, Colorado.

Documents in Public Record

Summary minutes of highlights of the workshop will be made available in the NVLAP program office, Building 411, room A162, at the campus in Gaithersburg, Maryland.

Dated: April 13, 1993.

Raymond G. Kammer,

Acting Director.

[FR Doc. 93-9058 Filed 4-16-93; 8:45 am]

BILLING CODE 3510-13-M

DEPARTMENT OF DEFENSE

Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of Defense.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title Applicable Form, and Applicable OMB Control Number: CHAMPUS Claim Form—Patient's Request For Medical Payment, DD Form X-203.

Type of Request: New collection.

Average Burden Hours/Minutes Per Response: 15 minutes.

Responses Per Respondent: One.

Number of Respondents: 3,250,000.

Annual Burden Hours: 812,500.

Annual Responses: 3,250,000.

Needs and Uses: This form is used by beneficiaries claiming reimbursement for medical expenses under the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS). The information collected will be used by CHAMPUS to determine beneficiary eligibility, other health insurance liability and certification that the beneficiary received the care.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain a benefit.

OMB Desk Officer: Mr. Joseph F. Lackey.

Written comments and recommendations on the proposed

information collection should be sent to Mr. Lackey at the Office of Management and Budget, Desk Officer for DoD, room 3002, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written requests for copies of the information collection proposals should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22202–4302.

Dated: April 13, 1993.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–9024 Filed 4–16–93; 8:45 am]

BILLING CODE 3810–01–M

Office of the Secretary

Defense Science Board Task Force on Defense Manufacturing Strategy; Meeting

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Defense Manufacturing Strategy will meet in closed session on May 4–5, June 1–3, and July 15–16, 1993 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will address the Defense Manufacturing Strategy for the 1990s and into the next century. This is a critical issue for the DoD since the appropriate use of science and technology to achieve U.S. industrial competitiveness may be the single most important contribution science and technology can make to U.S. security over the long term.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly these meetings will be closed to the public.

Dated: April 13, 1993.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–9026 Filed 4–16–93; 8:45 am]

BILLING CODE 3810–01–M

Defense Science Board Task Force on Low Observables Technology, Subgroup on Review of the B–2; Meeting

AGENCY: Department of Defense.

ACTION: Notice of advisory committee meetings.

SUMMARY: The Defense Science Board Task Force on Low Observables Technology, Subgroup on Review of the B–2 will meet in closed session on May 20–21, 1993 at the Northrop Corporation, Pico Rivera, California.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Director, Defense Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will assess B–2 program status, remaining technical risks, and the adequacy of the development program to address those risks. The Task Force will review the B–2 program with emphasis on the results of the early flight tests and reasonableness of program costs.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting, concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: April 13, 1993.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 93–9025 Filed 4–16–93; 8:45 am]

BILLING CODE 3810–01–M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Littoral Warfare/ Amphibious Warfare will meet on May 4 and 5, 1993. The meeting will be held at the Office of Naval Research, 800 North Quincy Street, Arlington, Virginia. The meeting will commence at 8 a.m. and terminate at 5 p.m., on May 4 and 5, 1993. All sessions of the meeting will be closed to the public.

The purpose of the meeting is provide the Department of the Navy with an assessment of the capabilities and readiness of the U.S. Navy and Marine Corps to effectively conduct littoral and amphibious warfare operations, and recommendations for technological investments that can improve performance while reducing risk to Marine and Naval forces. The agenda will include briefings and discussions related to the projected operating environment for the year 2000; operational concepts; assessments of C^4I; shallow water mine countermeasures; ship-to-shore movement (surface and air); fire support, including close air support; battle space dominance; and logistics.

These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and nonclassified matters to be discussed are so inextricably intertwined as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting contact: Commander R. C. Lewis, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5000, Telephone Number: (703) 696–4870.

Dated: April 8, 1993.

Michael P. Rummel

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 93–9007 Filed 4–16–93; 8:45 am]

BILLING CODE 3810–AE–F

Office of the Joint Staff

Privacy Act of 1974; Add a Record System

AGENCY: Office of the Secretary of Defense, DOD.

ACTION: Add a record system.

SUMMARY: The Office of the Secretary of Defense, Office of the Joint Staff, proposes to add a record system to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C 552a), as amended.

DATES: The proposed action will be effective without further notice on May 19, 1993, unless comments are received that would result in a contrary determination.

ADDRESSES: OSD Privacy Act Officer, OSD Records Management and Privacy

Act Branch, room 5C315, Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Cragg at (703) 695–0970 or DSN 225–0970.

SUPPLEMENTARY INFORMATION: The Office of the Joint Staff record system notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The new system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on April 6, 1993, to the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget (OMB), pursuant to paragraph 4b of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated December 12, 1985 (50 FR 52738, December 24, 1985).

Dated: April 12, 1993.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

JS007MPD

SYSTEM NAME:

Joint Manpower Automation System.

SYSTEM LOCATION:

Primary system. The Joint Staff (J–1), The Pentagon, Room 1D957, Washington, DC 20318–1000.

Decentralized Segments: National Defense University, Directorate of Resource Management, ATTN: RMD-M, Ft McNair, Washington, DC 20319–6000.

Headquarters, U.S. Space Command, ATTN: J1, Peterson Air Force Base, CO 80914–5001.

Headquarters, U.S. Pacific Command, ATTN: J1, Camp H. M. Smith, HI 96861–5025.

HQ U.S. Strategic Command, ATTN: J11, Offutt Air Force Base, NE 68113.

Headquarters, U.S. European Command, ATTN: ECJ1, APO AE 09128–4209.

Headquarters, U.S. Southern Command, ATTN: SCJ1, APO AA 34003–0100.

Headquarters, U.S. Transportation Command, ATTN: J–1, Scott Air Force Base, IL 62225.

Headquarters, U.S. Central Command, ATTN: CCJ1, MacDill Air Force Base, FL 33608–7001.

U.S. Atlantic Command, ATTN: J–1, Norfolk, VA 23511–6001

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All military and civilian personnel assigned to duty at each of the activities cited above.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain personnel information which has been extracted from official personnel files, including name; grade/rank; Social Security Number; salary; family member information; home address and telephone number; security clearance and date; date of rank; date of birth; Service; sex; race; marital status; reporting/departure date; current assignment data; education; experience; language proficiency; schooling; rating chain; and physical fitness data such as height, weight, fitness test results, body fat percentage, HIV test date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C., chapter 5, section 151–155; and E.O. 9397.

PURPOSE(S):

To be used by officials of the personnel divisions of the decentralized segments noted above in performing all administrative functions as appropriate with respect to personnel assigned; for monitoring and processing requests for manpower; for performing organizational and manpower reviews for the CINC; and for processing personnel actions requested by or required for the individual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The 'Blanket Routine Uses' set forth at the beginning of the Joint Staff compilation of records system notices apply to this record system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records exist on magnetic tape, diskette, and other machine-readable media.

RETRIEVABILITY:

Retrieved by name, Social Security Number, and/or any combination of the data fields described in 'Categories of Records.'

SAFEGUARDS:

Access to this record system is restricted to authorized personnel in performance of official duties. Entry into the system is controlled by password.

RETENTION AND DISPOSAL:

Records are deleted when no longer needed for current business. This is in accordance with Item 5, General Records Schedule 20.

SYSTEM MANAGER(S) AND ADDRESS:

Joint Manpower Automation System Project Manager, Manpower Management Division, Manpower and Personnel Directorate, J–1, the Joint Staff, Washington, DC 20318–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Joint Manpower Automation System Functional Manager, Manpower Management Division, Manpower and Personnel Directorate, J–1, The Joint Staff, Washington, DC 20318–1000.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Joint Manpower Automation System Project Manager, Manpower Management Division, Manpower and Personnel Directorate, J–1, the Joint Staff, Washington, DC 20318–1000.

Written requests should include full name, Social Security Number, address, and signature of the requestor.

CONTESTING RECORD PROCEDURES:

The Joint Staff rules for accessing records and for contesting contents and appealing initial determinations are contained in OSD Administrative Instruction 81; Joint Administrative Instruction 2530.9A; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Source of information is the individual and the individual's Official Personnel File.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 93–9027 Filed 4–16–93; 8:45 am]

BILLING CODE 3810–01–F

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, DOE.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. No. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection; (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed within 30 days of publication of this notice. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so, as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION AND COPIES OF RELEVANT MATERIALS CONTACT: Jay Casselberry, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Mr. Casselberry may be telephoned at (202) 254–5348.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–510
3. 1902–0068
4. Application for the Surrender of Hydropower License
5. Extension
6. On occasion
7. Mandatory
8. Individuals or households, State or local governments, Businesses or other for-profit, Non-profit institutions, and Small businesses or organizations
9. 15 respondents
10. 1 response per respondent
11. 10 hours per response
12. 150 hours
13. This survey is to carry out the requirements of part I, sections 4(e), 6 and 13 of the Federal Power Act. These sections direct that a hydropower license may be surrendered or terminated upon application and where agreement exists between the FERC and the licensee or by implied surrender.

Statutory Authority: Sec. 2(a) of the Paperwork Reduction Act of 1980, (Pub. L. No. 96–511) which amended chapter 35 of title 44 United States Code. (See 44 U.S.C. 3506 (a) and (c)(1)).

Issued in Washington, DC, April 12, 1993.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 93–9108 Filed 4–16–93; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. QF92–166–001]

Gordonsville Energy, L.P.—Unit I; Application for Commission Recertification of Qualifying Status of a Cogeneration Facility

April 13, 1993.

On April 7, 1993, Gordonsville Energy, L.P. of 12500 Fair Lakes Circle, suite 420, Fairfax, Virginia 22033 submitted for filing an application for recertification of a facility as a qualifying cogeneration facility pursuant to § 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the applicant, the 128 MW topping-cycle cogeneration facility will be located near Gordonsville in Louisa County, Virginia. The Commission previously certified the facility as a qualifying cogeneration facility, Gordonsville Energy, L.P.—Unit I, 60 FERC ¶61,137 (1992). The instant request for recertification reflects a change in the potential steam use for the facility. Thermal energy produced by the facility will be used for process uses by either Liberty Fabrics or the Rapidan Service Authority, a municipal sewage authority.

Any person desiring to be heard or objecting to the granting of qualifying status should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the Federal Register and must be served on the applicant. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9022 Filed 4–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP92–198–000, and CP92–198–001]

Kern River Gas Transmission Co.; Availability of the Kern River Expansion Project Environmental Assessment

April 13, 1993.

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or Commission) has made available an environmental assessment (EA) on the natural gas pipeline facilities proposed by the Kern River Gas Transmission Company (Kern River) in the above-referenced dockets. The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The Staff concludes that approval of the proposed project, with the appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA assesses the potential environmental effects of the construction and operation of the proposed Kern River Expansion Project, including:

- 30.76 miles of 30-inch-diameter pipeline lateral in San Bernardino County, California;
- 19.1 miles of 36-inch-diameter pipeline loop in Kern County, California; and

• Seven new compressor stations and modifications at three existing compressor stations in Wyoming, Utah, Nevada, and California.

The purpose of the proposed facilities would be to increase the capacity of Kern River's system by 451,756 thousand cubic feet of natural gas per day, to allow for the transportation of additional volumes received from other pipeline systems and shippers in Canada and the Rocky Mountain states to markets in southern California. The EA also evaluates alternatives to Kern River's proposal.

Copies of the Commission's EA are being sent to the appropriate Federal and state agencies, the FERC service list, and those other organizations, local agencies, and individuals in the affected area who responded to the FERC's Notice of Intent to Prepare an Environmental Assessment for the Kern River-Mojave Pipeline Expansion Projects and Requests for Comments on its Scope (NOI).[1] The EA has been placed in the public files of the FERC and is available for public inspection in the FERC's Public Reference Branch, room 3104, 941 North Capitol Street, NE., Washington, DC 20426. Copies of the EA are available in limited quantities from the Division of Public Information.

Any person wishing to comment on the EA may do so. Written comments must reference Docket Nos. CP92–198–000 and CP92–198–001, and be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

Comments should be filed as soon as possible, but must be received no later than May 14, 1993, to ensure consideration prior to a Commission decision on this proposal. A copy of any comments should also be sent to Mr. Laurence J. Sauter, Jr., Project Manager, room 7312, at the same address.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

Additional information about this project is available from Mr. Laurence J. Sauter, Jr., Environmental Compliance and Project Analysis Branch, Office of Pipeline and Producer Regulation, at (202) 208–0205.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9072 Filed 4–16–93; 8:45 am]

BILLING CODE 6717–01–M

[1] The Mojave Pipeline Company expansion application (Docket No. CP92–376–000) which was included in the NOI was withdrawn on March 17, 1993.

[Docket Nos. ER93–538–000, et al.]

PacifiCorp, et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 9, 1993.

Take notice that the following filings have been made with the Commission:

1. PacifiCorp

[Docket No. ER93–538–000]

Take notice that PacifiCorp, on April 5, 1993, tendered for filing in accordance with 18 CFR part 35 of the Commission's Rules and Regulations, Exhibit 2, dated March 17, 1993 (Revised Exhibit 2) of Amendment of Agreements (Amendment) between PacifiCorp and Moon Lake Electric Association (Moon Lake). The Revised Exhibit 2 reflects a change in Moon Lake's utilization of PacifiCorp's 69 kV transmission line between Moon Lake's UPALCO and Pleasant Valley substation.

PacifiCorp requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations, that a waiver of prior notice be granted and that an effective date of March 17, 1993 be assigned to Revised Exhibit 2.

Copies of this filing were supplied to Moon Lake Electric Association, the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

2. Union Electric Co.

[Docket No. ER93–534–000]

Take notice that on April 2, 1993, Union Electric Company (UE), tendered for filing a Letter Agreement dated November 17, 1987 under the provisions of the Interchange Agreement between Missouri Public Service Company and UE dated April 11, 1967. UE asserts that the purpose of the Letter Agreement is to increase the rates to more adequately reflect costs that are equitable for services rendered.

UE requests that the filing be permitted to become effective June 1, 1993.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

3. PacifiCorp

[Docket No. ER93–204–000]

Take notice that PacifiCorp, on April 5, 1993, tendered for filing, in accordance with 18 CFR part 35 of the Commission's Rules and Regulations an amended filing to its November 17, 1992 filing in response to the Commission's October 13, 1992 Order under Florida Power Corporation Docket No. ER92–183–002 concerning agreements involving contribution in aid of construction payments.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

4. Wallkill Generating Company, L.P.

[Docket No. EG93–37–000]

On April 6, 1993, Wallkill Generating Company, L.P. ("Wallkill"), a Delaware limited partnership with its principal place of business at 7475 Wisconsin Avenue, Bethesda, Maryland, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Wallkill intends to own a natural gas-fired electric generating facility with a maximum net power production capacity of approximately 150 MW. All of the facility's electric power net of the facility's operating electric power will be purchased at wholesale by one or more public utilities.

Comment date: April 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

5. City of Albany, et al. v. Interstate Power Co.

[Docket No. EG93–30–000]

Take notice that on March 31, 1993, the City of Albany, et al. (Cities) tendered for filing an Amended Complaint and Request for Investigation and Hearing against Interstate Power Company (Interstate). The Cities request that the Commission initiate an investigation and hearing concerning the prudence of Interstate's coal transportation arrangements, Interstate's failure to prudently manage and administer its coal supply and transportation arrangements and Interstate's failure to buy out of its contract with AMAX.

Comment date: May 10, 1993, in accordance with Standard Paragraph E at the end of this notice.

Answers to the complaint shall be on May 10, 1993.

6. Niagara Mohawk Corp.

[Docket No. EL93-29-000]

Take notice that Niagara Mohawk Power Corporation (Niagara Mohawk) on April 5, 1993, tendered for filing pursuant to § 385.207 of the Federal Energy Regulatory Commission's Regulations, 18 CFR 385.207 (1992), a Petition for Declaratory Order Disclaiming jurisdiction under Federal Power Act section 201(f) over a facilities agreement between Niagara Mohawk and the New York Power Authority.

Niagara Mohawk served copies of the filing upon the New York Power Authority.

Comment date: April 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

7. Western Resources, Inc.

[Docket No. ER93-449-000]

Take notice that on April 5, 1993, Western Resources, Inc. (WRI) tendered for filing an amendment to its March 10, 1993 filing in this docket concerning a change to its Federal Energy Regulatory Commission Electric Service Tariff No. 206. WRI states that the amendment is to provide the Commission with Service Schedule WTU-6/89 under which the City of Horton, Kansas will be served. The change is proposed to become effective June 1, 1993.

Copies of the filing were served upon the City of Horton, Kansas and the Kansas Corporation Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Services Co.

[Docket No. ER93-361-000]

Take notice that on April 5, 1993, Northeast Utilities Services Company (NUSCO) supplemented its filing in this docket.

NUSCO renews its request that the Commission waive its standard notice periods and filing regulations to the extent necessary to permit the rate schedule change to become effective on December 31, 1992.

NUSCO states that copies of this rate schedule have been mailed or delivered to Littleville Power Company.

NUSCO further states that the filing is in accordance with section 35 of the Commission's regulations.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

9. Tampa Electric Co.

[Docket No. ER93-526-000]

Take notice that Florida Power Corporation (Florida Power), on April 2, 1993 tendered for filing a Certificate of Concurrence which assents to and concurs in (1) the March 30, 1993 letter between Tampa Electric Company (Tampa Electric) and Florida Power regarding negotiated arrangements for Tampa Electric's remote facilities in Sebring, Florida, (2) the March 30, 1993 letter among Florida Power, Tampa Electric and Sebring Utilities Commission regarding a Sebring claim for refund of interconnection costs, and (3) a revised Exhibit A to the Contract for Interchange Service between Tampa Electric Company and Florida Power Corporation, all of which were filed with the Commission on March 31, 1993 by Tampa Electric in Docket No. ER93-526.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

10. Western Resources, Inc., Kansas Gas and Electric Co.

[Docket No. ER93-533-000]

Take notice that on March 31, 1993, Western Resources, Inc. (WRI) tendered for filing the Third Supplement to Electric Interconnection Contract between WRI and Kansas Gas and Electric Company (KG&E). WRI states the filing is to provide the basis for the joint administration of transmission services requiring the simultaneous use of both Companies' transmission systems. This filing is proposed to become effective June 1, 1993. Included in the filing is a Certificate of Concurrence to the filing by KG&E.

A copy of this filing was served upon Kansas Gas and Electric Company and the Kansas Corporation Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Co.

[Docket No. ER93-535-000]

Take notice that on April 2, 1993, New England Power Company (NEP), tendered for filing ten (10) supplements to its Tariff No. 3 Service Agreement with Fitchburg Gas & Electric Co. (FG&E). According to NEP, the purpose of the supplements is to permit FG&E to wheel short-term spot bulk power from a variety of sources across NEP's system.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

12. Gulf States Utilities Co.

[Docket No. ER93-31-000]

Take notice that on April 6, 1993, Gulf States Utilities Company (Gulf States) filed an application with the Federal Energy Regulatory Commission under section 204 of the Federal Power Act requesting authorization to issue, over a two-year period, not more than $300 million of First Mortgage Bonds and/or notes or other securities. Also, Gulf States requests exemption from the Commission's competitive bidding regulations.

Comment date: May 5, 1993, in accordance with Standard Paragraph E at the end of this notice.

13. Public Service Company of New Hampshire

[Docket No. ER93-544-000]

Take notice that Public Service Company of New Hampshire (PSNH), on April 5, 1993, tendered for filing proposed changes in its FERC Rate Schedule No. 40. The changes implement certain requirements of the Clean Air Act Amendments of 1990 and set forth the designated representative for dealings with the Environmental Protection Agency as required by the Act.

The changes are occasioned by the Clean Air Act Amendments of 1990 which, among other things, established a program to control SO_2 emissions. The changes pertain to the allocation and administration of PSNH's and Vermont Electric Company Inc.'s SO_2 allowances for Merrimack Unit #2.

PSNH asks the Commission to waive its customary notice period and allow the rate schedule change to become effective February 3, 1993. Copies to the filing were served upon the customer and relevant state agencies.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

14. PacifiCorp

[Docket No. ER93-189-000]

Take notice that PacifiCorp, on April 5, 1993, tendered for filing, in accordance with 18 CFR part 35 of the Commission's Rules and Regulations an amended filing to its November 17, 1992 filing in response to the Commission's October 13, 1992 Order under Florida Power Corporation Docket No. ER92-183-002 ("Florida Order") concerning agreements involving contribution in aid of construction (CIAC) payments.

Copies of this filing were supplied to the Public Utility Commission of Oregon and the Utah Public Service Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

15. Iowa-Illinois Gas and Electric

[Docket No. ER93-539-000]

Take notice that on April 15, 1993, Iowa-Illinois Gas and Electric Company

(Iowa-Illinois), Davenport, Iowa, filed a Notice of Termination of Firm Power Transaction and Schedule for Third-Party Purchase and Resale Transaction which were effective on May 1, 1988 between Iowa-Illinois and Interstate Power Company (Interstate), Dubuque, Iowa. The Firm Power Transaction is designated as Rate Schedule FERC No. 58 and the Schedule for Third-Party Purchase and Resale Transaction is designated as Supplement No. 1 to Rate Schedule FERC No. 58.

Iowa-Illinois states that the purpose of this Notice of Termination is to comply with 18 CFR 35.15 which requires the filing of the Notice of Termination when a rate schedule terminates by its own terms. Rate Schedule FERC No. 58 and Supplement No. 1 to Rate Schedule FERC No. 58 terminated by their own terms on October 31, 1988. It is further stated that no person will be affected by the termination since it is based upon the contractual expectations of the parties.

Iowa-Illinois proposes to make the termination effective retroactively on October 31, 1988 and requests the Commission to waive the sixty (60) day notice requirement of 18 CFR 35.15. Iowa-Illinois states that it has not filed the Notice of Termination previously because of inadvertence which was brought to the attention of Iowa-Illinois by a member of the Commission's Staff.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

16. Idaho Power Co.

[Docket No. ER93-525-000]

Take notice that on March 31, 1993, Idaho Power Company (IPC) tendered for filing the Firm Transmission Services Agreement executed on March 22, 1993 between Sierra Pacific Power Company and Idaho Power Company. The Agreement is for 25 megawatts transmission service until February 28, 2007.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

17. American Electric Power Service

[Docket No. ER93-540-000]

Take notice that on April 5, 1993, American Electric Power Service Corporation, acting as agent for Appalachian Power Company, Columbus Southern Power Company, Indiana Michigan Power Company, Kentucky Power Company, Kingsport Power Company, Ohio Power Company and Wheeling Power Company, operating companies of the American Electric Power (AEP) System (collectively "the AEP Companies") submitted for filing as an initial rate schedule, a Transmission Service and Ancillary Control Area Services Tariff.

The proposed Tariff provides for the provision of transmission service by the AEP Companies for Eligible Utilities. The basic rate for such transmission service is $2960 per megawatt per month. The Tariff also makes available Ancillary Control Area Services to Transmission Services users which require such services.

Copies of the Filing have been served upon the public service commissions of Indiana, Kentucky, Michigan, Ohio, Tennessee, Virginia and West Virginia. The AEP Companies request an effective date of June 4, 1993 for the proposed Tariff.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. Western Resources, Inc.

[Docket No. ER93-537-000]

Take notice that on April 2, 1993 Western Resources, Inc. (WRI) tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Rate Schedule No. 249. WRI states the purpose of the change is to extend the term of the existing Electric Power Supply Agreement between WRI and the City of Osage City, Kansas through May 31, 2008, and to provide generation deferral service. The change is proposed to become effective June 1, 1993.

Copies of the filing were served upon the City of Osage City and the Kansas Corporation Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

18. New England Power Co.

[Docket No. ER93-536-000]

Take notice that New England Power Company (NEP), on April 1, 1993, tendered for filing a revision to its interconnection agreement with the Middleton (Mass.) Municipal Electric Department.

According to NEP, under the terms of the revision, Middleton will realize a decrease in rates to be paid NEP to support the interconnection.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

20. Western Resources, Inc.; Kansas Gas and Electric Co.

[Docket No. ER93-523-000]

Take notice that on March 31, 1993, Western Resources, Inc. (Western Resources) on its behalf and on behalf of its wholly owned subsidiary Kansas Gas and Electric Company (KG&E), tendered for filing proposed changes to the firm and non-firm transmission tariffs of Western Resources and KG&E Western Resources states that the purpose of the changes is to update the Companies' current transmission tariffs and to provide for new firm and non-firm transmission rates for transactions requiring the joint use of the Companies' facilities. The changes are proposed to become effective May 31, 1993.

Copies of the filing were served upon the Companies transmission customers, interconnected utilities, and the Kansas Corporation Commission.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

21. Union Light, Heat & Power Company

[Docket No. ER93-456-000]

Take notice that on April 1, 1993, Union Light Heat & Power Company (Union) tendered for filing an amendment to its original filing filed in this docket on March 17, 1993.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

22. Ohio Power Co.

[Docket No. ER93-434-000]

Take notice that Ohio Power Company (OPCo), on April 5, 1993, tendered for filing, information requested by the Staff of the Commission which supports the charges made by OPCo to the Village of Carey, Ohio (Carey), in connection with a Modification No. 1 to its existing Municipal Resale Service Agreement, and a Facilities Agreement that were executed by OPCo and Carey on February 16, 1993.

A copy of this filing has been sent to the Public Utilities Commission of Ohio and Carey.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

23. Kansas City Power & Light Co.

[Docket No. ER93-237-000]

Take notice that on April 1, 1993, Kansas City Power & Light Company (KCP&L) tendered for filing an amended filing to its November 25, 1992 filing filed in this docket.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

24. Union Electric Co.

[Docket No. ER93-518-000]

Take notice that on March 31, 1993, Union Electric Company (Union) tendered for filing the First Amendment to the Transmission Service Agreement and Transmission Service Transaction between Union and the City of Jackson, Missouri.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

25. Kentucky Utilities Co.

[Docket No. EL93-27-000]

Take notice that on March 29, 1993, Kentucky Utilities Company (KU) tendered for filing a Petition for approval of KU's proposed fuel clause flow through mechanisms. In addition, KU seeks waiver of the Commission's fuel clause regulations in order to allow KU to offset the amount being returned to customers by the litigation expenses directly incurred by KU in order to achieve this result for the benefit of its ratepayers.

Comment date: April 30, 1993, in accordance with Standard Paragraph E at the end of this notice.

26. Southwestern Electric Power Co.

[Docket No. ER93-514-000]

Take notice that on March 30, 1993, Southwestern Electric Power Company (Southwestern) tendered for filing estimates of return on common equity that will be used to calculate estimated formula rates for wholesale service in the 1993 Contract Year to Northeast Texas Electric Cooperative Inc.; the City of Bentonville, Arkansas, the City of Hope, Arkansas, the Oklahoma Municipal Power Authority, Inc., Cajun Electric Power Cooperative Inc. and Tex-La Electric Cooperative of Texas, Inc.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

27. Delmarva Power & Light Co.

[Docket No. ER93-475-000]

Take notice that on March 23, 1993, Delmarva Power & Light Company (DPL) tended for filing a proposed amendment (Amendment) to the rate schedules with respect to the System Energy Purchase and Sale Agreement (Agreement) between DPL, The Connecticut Light and Power Company (CL&P) and Western Massachusetts Electric Company (WMECO).

DPL states that the Amendment reduces the energy reservation charge in each of the rate schedules to a maximum of $8.94 per megawatthour when DPL is the Seller.

DPL requests the Commission waive its standard notice period and permit the Amendment to become effective as of May 24, 1993.

DPL states that copies of this Amendment has been mailed to Northeast Utilities Service Company, agent for CL&P and WMECO.

DPL further states that the filing is in accordance with section 35 of the Commission's Regulations.

Comment date: April 23, 1993, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-9021 Filed 4-16-93; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 2113-022, et al.]

Hydroelectric Applications [Wisconsin Valley Improvement Co., et al.]; Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1a. *Type of Application:* New License

b. *Project No.:* 2113-022

c. *Date Filed:* July 30, 1991

d. *Applicant:* Wisconsin Valley Improvement Company

e. *Name of Project:* Wisconsin Valley

f. *Location:* On the Wisconsin River and its tributaries, Vilas, Oneida, Forest, Marathon, and Lincoln Counties, Wisconsin, and Gogebic County, Michigan

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r)

h. *Applicant Contact:* Mr. Robert W. Gall, Wisconsin Valley Improvement Company, 2301 North Third Street, Wausau, WI 54401. (715) 848-2976

i. *FERC Contact:* Michael Dees (202) 219-2807

j. *Deadline Date:* See paragraph D9. (May 25, 1993)

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached standard paragraph D9.

l. *Description of Project:* The project as licensed consists of 21 separate existing dam and storage reservoir developments (none of which contain any hydropower facilities) located in the Wisconsin River Basin. Two of the developments are located on the main stem of the Wisconsin River; the remaining developments are located on tributary rivers and streams. The 21 project developments are described as follows:

Lac Vieux Desert Development

The Lac Vieux Desert Development is an improved natural-lake reservoir, located on the Wisconsin River main stem at river mile 420.1 in Vilas County, Wisconsin and Gogebic County, Michigan. The development consists of: (1) A reinforced concrete gated dam 27 feet long, 10 feet wide, and 8.5 feet high, with upstream and downstream wingwalls, each about 9 feet long; (2) one tainter gate in the dam, 12 feet wide and 4 feet high; (3) one stop log bay in the dam, 4 feet wide and 7 feet high; and (4) a reservoir with a surface area of 4,247 acres and gross storage of 2,140 million cubic feet (mcf) at the maximum water level of 1,681.53 feet NGVD. The reservoir has usable storage of 398 mcf with a drawdown of 2.17 feet.

Twin Lakes Development

The Twin Lakes Development is an improved natural-lake reservoir, located on the Twin River 2.1 miles upstream from Pioneer Lake in Vilas County, Wisconsin. Pioneer Lake feeds Pioneer Creek which flows for 9.9 miles to join the Wisconsin at river mile 401.1. The development consists of: (1) A reinforced concrete gated dam 21.5 feet long, 17 feet wide and 9.5 feet high, with upstream wingwalls about 6 feet long, and downstream wingwalls about 26 feet long; (2) one tainter gate in the dam, 10 feet wide and 4.33 feet high; (3) one stop log bay in the dam, 4 feet wide and 8 feet high; (4) a right abutment dike about 60 feet long and 10 feet high, and a left abutment dike about 75 feet long and 10 feet high; and (5) a reservoir with a surface area of 3,535 acres and gross storage of 4,074 mcf at the maximum water level of 1,682.57 feet NGVD. The reservoir has usable storage of 301 mcf with a drawdown of 2.00 feet.

Buckatahpon Development

The Buckatahpon Development is an improved natural-lake reservoir, located on Buckatahpon Creek 1.4 miles upstream from its confluence with the Wisconsin at river mile 396.9 in Vilas County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 15 feet long, 27 feet wide, and 7.5 feet high, with upstream and downstream wingwalls, each about 9 feet long; (2) one tainter gate in the dam, 6 feet wide and 3.83 feet high; (3) one stop log bay in the dam, 5 feet wide and 5 feet high; (4) a right abutment dike about 100 feet long and 7.4 feet high, and a left abutment dike about 80 feet long and 7.4 feet high; and (5) a reservoir with a surface area of 922 acres and gross storage of 597 of mcf at the maximum water level of 1,641.52 feet NGVD. The reservoir has usable storage of 120 mcf with a drawdown of 3.17 feet.

Long-on-Deerskin Development

The Long-on-Deerskin Development is an improved natural-lake reservoir, located on the Deerskin River 18 miles upstream from its confluence with the Wisconsin at river mile 378.8 in Vilas County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 18 feet long, 15 feet wide, and 9.5 feet high, with upstream and downstream wingwalls, each about 9 feet long; (2) one tainter gate in the dam, 8 feet wide and 5 feet high; (3) one stop log bay in the dam, 4 feet wide and 7 feet high; (4) a right abutment dike about 35 feet long and 8.4 feet high, and a left abutment dike about 30 feet long and 8.4 feet high; and (5) a reservoir with a surface area of 2,353 acres and gross storage of 2,651 mcf at the maximum water level of 1,698.43 feet NGVD. The reservoir has usable storage of 255 mcf with a drawdown of 2.59 feet.

Little Deerskin Development

The Little Deerskin Development is an improved natural-lake reservoir, located on the Little Deerskin River 3 miles upstream from its confluence with the Deerskin River in Vilas County, Wisconsin. The development consists of: (1) A steel gated spillway structure 4 feet long, 6 feet wide, and 4 feet high, with upstream and downstream wingwalls, each about 4 feet long; (2) one 4-foot-wide by 2-foot-wide lift gate within the structure; (3) a right abutment dike about 40 feet long and 4 feet high, and a left abutment dike about the same size; (4) a reservoir with a surface area of 313 acres and gross storage of 82 mcf at the maximum water level of 1,642.16 feet NGVD. The reservoir has usable storage of 23 mcf with a drawdown of 1.67 feet.

Seven Mile Development

The Seven Mile Development is an improved natural-lake reservoir, located on Seven Mile Creek 2.6 miles upstream from the head of Nine Mile Reservoir in Oneida and Forest Counties, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 22 feet long, 30 feet wide, and 9.5 feet high, with downstream wingwalls about 16 feet long; (2) one tainter gate in the dam, 8 feet wide and 4.83 feet high; (3) one stop log bay in the dam, 6 feet wide and 8 feet high; (4) a right abutment dike about 150 feet long and 9.7 feet high, and a left abutment dike about 110 feet long and 9.7 feet high; and (5) a reservoir with a surface area of 518 acres and gross storage of 417 mcf at the maximum water level of 1,650.14 feet NGVD. The reservoir has usable storage of 85 mcf with a drawdown of 4.33 feet.

Lower Nine Mile Development

The Lower Nine Mile Development is an improved natural-lake reservoir, located on Nine Mile Creek 1.1 miles upstream from the head of Burnt Rollways Reservoir in Oneida County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 26 feet long, 30 feet wide, and 12 feet high, with upstream wingwalls about 16 feet long; (2) two tainter gates in the dam, each 6 feet wide and 6 feet high; (3) one stop log bay in the dam, 3.75 feet wide and 6 feet high; (4) a right abutment dike about 60 feet long and 12.9 feet high, and a left abutment dike about 100 feet long and 12.9 feet high; and (5) a reservoir with a surface area of 841 acres and gross storage of 114 mcf at the maximum water level of 1,643.76 feet NGVD. The reservoir has usable storage of 104 mcf with a drawdown of 4.58 feet.

Burnt Rollways Development

The Burnt Rollways Development is an improved multiple natural-lake and channel reservoir, located on the Eagle River near its confluence with the Wisconsin River in Oneida County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 47 feet long, 55 feet wide, and 16 feet high, with upstream wingwalls about 20 feet long; (2) two dissimilar tainter gates in the dam, one 16 feet wide by 4.25 feet high, and a second 10 feet wide by 12 feet high; (3) a right abutment dike about 100 feet long and 14.4 feet high, and a left abutment dike about 150 feet long and 17.9 feet high; (4) a boat launching structure consisting of a trestle supported rail track about 165 feet long, mounted with an electrically operated rolling gantry hoist, over the right abutment dike; and (5) a reservoir with a surface area of 7,626 acres and gross storage of 4,525 mcf at the maximum normal water level of 1,625.71 feet NGVD. The reservoir has usable storage in summer of 479 mcf with a drawdown of 1.5 feet, and in winter, 852 mcf with a drawdown of 2.75 feet.

Sugar Camp Development

The Sugar Camp Development is an improved multiple natural-lake and channel reservoir, located on Sugar Camp Creek near its confluence with the Wisconsin River in Oneida County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 12 feet long, 15 feet wide, and 9.5 feet high, with upstream and downstream wingwalls about 13 feet long; (2) one tainter gate in the dam, 8 feet wide by 7 feet high; (3) a right abutment dike about 260 feet long and 9.5 feet high; and a left abutment dike about 20 feet long and 9.5 feet high; and (4) a reservoir with a maximum surface area of 1,857 acres and gross storage of 1,120 mcf at the maximum winter water level of 1,597.82 feet NGVD. The reservoir has usable storage in summer of 155 mcf with a drawdown of 2.0 feet, and in winter, 411 mcf with a drawdown of 5.5 feet.

Little St. Germain Development

The Little St. Germain Development is an improved natural-lake reservoir, located on the Little St. Germain River about 1.1 miles upstream from its confluence with the Wisconsin River in Vilas County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 14 feet long, 15 feet wide, and 8.5 feet high, with upstream wingwalls about 10 feet long; (2) one vertical lift gate in the dam, 5 feet wide by 5.17 feet high; (3) a right abutment dike about 50 feet long and 7 feet high, and a left abutment dike about 40 feet long and 7 feet high; and (4) a reservoir with a surface area of 1,008 acres and gross storage of 495 mcf at the maximum water level of 1,613.88 NGVD. The reservoir has usable storage of 77 mcf with a drawdown of 1.83 feet.

Big St. Germain Development

The Big St. Germain Development is an improved natural-lake reservoir, located on the St. Germain River in Vilas County near St. Germain, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 27 feet long, 22 feet wide, and 7 feet high; (2) two similar vertical lift gates in

the dam, each 7 feet wide by 4.17 feet high, and one smaller vertical lift gate in the dam, 5 feet wide by 4.17 feet high: (3) a right abutment dike about 55 feet long and 7 feet high, and a left abutment dike about 35 feet long and 7 feet high; (4) a reservoir with a surface area of 1,653 acres and gross storage of 1,501 mcf at the maximum water level of 1,591.16 feet NGVD. The reservoir has usable storage in summer of 94 mcf with a drawdown of 1.33 feet, and in winter, 210 mcf with a drawdown of 3.0 feet.

Pickerel Development

The Pickerel Development is an improved natural lake reservoir, located on the St. Germain River near its confluence with the Wisconsin River in Oneida County, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 32 feet long, 30 feet wide, and 20.5 feet high, called Pickerel Control Dam, with upstream and downstream wingwalls about 32 feet long; (2) one tainter gate in the dam, 10 feet wide by 16 feet high; (3) a right abutment dike about 70 feet long and 18.5 feet high, and a left abutment dike about 80 feet long and 18.5 feet high; (4) a second reinforced concrete gated dam 28 feet long, 37 feet wide, and 12 feet high, called Pickerel Canal Dam, with upstream and downstream wingwalls about 20 feet long; (5) one tainter gate in the dam, 22 feet wide by 3 feet high; (6) a reservoir with a surface area of 786 acres and gross storage of 315 mcf at the maximum water level of 1,590.34 feet NGVD. The reservoir has usable storage in summer of 33 mcf with a drawdown of 1.0 foot, and in winter, 227 mcf with a drawdown of 9.0 feet.

Rainbow Development

The Rainbow Development is a man-made reservoir, located on the Wisconsin River main stem at river mile 365.2 in Oneida County near Lake Tomahawk, Wisconsin. The development consists of: (1) A reinforced concrete gated dam 128 feet long, 32 feet wide, and 38.5 feet high, with upstream wingwalls about 68 feet long, and downstream wingwalls about 55 feet long; (2) three tainter gates each 20 feet wide by 21 feet high, and two tainter gates each 10 feet wide by 28 feet high, all within the dam; (3) a right abutment dike about 1,000 feet long and 32 feet high; (4) Sawyer dike located about 3,000 feet east of the gated dam, about 800 feet long and 20 feet high; (5) Highway E dike located about 1,000 feet west of the spillway and joining the right abutment dike, about 1,650 feet long and 24 feet high; (6) Jim Hall dike located about 1.5 miles north of the spillway, about 1,550 feet long and 22 feet high; (7) Highway J dike located about 2.5 miles north of the dam, about 500 feet long and 3 feet high; (8) a reservoir with a surface area of 4,165 acres and gross storage of 2,004 mcf at the maximum water level of 1,597.05 feet NGVD. The reservoir has usable storage of 1,987 mcf with a drawdown of 22 feet.

North Pelican Development

The North Pelican Development is an improved natural-lake reservoir located on the north branch of the Pelican River in Oneida County near Rhinelander, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 32 feet long, 29 feet wide, and 10.5 feet high, with upstream wingwalls about 16 feet long; (2) three vertical lift gates in the dam, each 6.5 feet wide by 4.0 feet high; (3) a right abutment dike about 30 feet long and 10.5 feet high, and a left abutment dike about 170 feet long and 10.5 feet high; (4) a reservoir with a surface area of 1,295 acres and gross storage of 379 mcf at the maximum water level of 1,569.60 feet NGVD. The reservoir has usable storage of 151 mcf with a drawdown of 3.0 feet.

South Pelican Development

The South Pelican Development is an improved natural-lake reservoir located on the main branch of the Pelican River in Oneida County near Pelican Lake, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 29 feet long, 24 feet wide, and 8 feet high, with upstream wingwalls about 10 feet long; (2) two vertical lift gates in the dam, each 5 feet wide by 3 feet high, and two stop log bays, each 5 feet wide by 1 foot high; (3) a right abutment dike about 20 feet long and 6 feet high, and a left abutment dike about 500 feet long and 6 feet high; (4) a reservoir with a surface area of 3,694 acres and gross storage of 2,175 mcf at the maximum water level of 1,591.98 feet NGVD. The reservoir has usable storage of 308 mcf with a drawdown of 2.0 feet.

Minocqua Development

The Minocqua Development is an improved natural-lake reservoir, located at the headwaters of the Tomahawk River in Oneida County near Minocqua, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 35 feet long, 30 feet wide, and 8.75 feet high; (2) two tainter gates in the dam, 8 feet wide by 4.5 feet high; (3) one overflow bay in the dam, 8 feet wide by 4 feet high; (4) a right abutment dike about 100 feet long and 8 feet high, and a left abutment dike about 150 feet long and 8 feet high; (5) a reservoir with a surface area of 6,069 acres and gross storage of 7,243 mcf at the maximum water level of 1,585.05 feet NGVD. The reservoir has usable storage of 600 mcf with a drawdown of 2.77 feet.

Squirrel Development

The Squirrel Development is an improved natural-lake reservoir located on the Squirrel River about 13.2 miles upstream from its confluence with the Tomahawk River in Oneida County, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 15 feet long, 21 feet wide, and 6.8 feet high, with upstream wingwalls about 10 feet long; (2) one vertical lift gate in the dam, 5 feet wide by 4.5 feet high; (3) one stop log bay in the dam, 5 feet wide by 4.5 feet high; (4) a left abutment dike about 65 feet long and 7.3 feet high; (5) a reservoir with a surface area of 1,505 acres and gross storage of 1,008 mcf at the maximum water level of 1,564.93 feet NGVD. The reservoir has usable storage of 149 mcf with a drawdown of 2.42 feet.

Willow Development

The Willow Development is a man-made reservoir, located on the Tomahawk River in Oneida County near Hazelhurst, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 72 feet long, 29 feet high, and 34.5 feet high, with upstream wingwalls about 33 feet long and downstream wingwalls about 50 feet long; (2) one central tainter gate in the dam, 20 feet wide by 12.5 feet high, and two flanking tainter gates in the dam, each 10 feet wide by 23.5 feet high; (3) a right abutment dike about 300 feet long and 30.5 feet high, and a left abutment dike about 700 feet long and 30.5 feet high, (4) Doberstein dike, located about 2,000 feet south of the gated dam, measuring about 1,400 feet in length and 18 feet in height; (5) the South dike, located about one mile south of the gated dam, measuring about 3,500 feet in length and 11 feet in height; and (6) a reservoir with a surface area of 6,392 acres and gross storage of 2,924 mcf at the maximum water level of 1,529.35 feet NGVD. The reservoir has usable storage of 2,809 mcf with a drawdown of 18.5 feet.

Rice Development

The Rice Development is a man-made reservoir, located on the Tomahawk River in Lincoln and Oneida Counties near Tomahawk, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam

97 feet long, 34 feet wide, and 19 feet high, with upstream wingwalls about 32 feet long and downstream wingwalls about 42 feet long; (2) two tainter gates in the dam, each 20 feet wide by 15 feet high; (3) one timber needle bay in the dam, 20 feet wide by 17.7 feet high; (4) a right abutment dike about 900 feet long and 22 feet high, and a left abutment dike about 500 feet long and 22 feet high; (5) the West dike, located about 4,000 feet northwest of the gated dam, measuring about 1,550 in length and 10 feet in height; and (6) a reservoir with a surface area of 4,111 acres and gross storage of 1,922 mcf at the maximum water level of 1,463.25 feet NGVD. The reservoir has usable storage of 1,698 mcf with a drawdown of 13.25 feet.

Spirit Development

The Spirit Development is a man-made reservoir, located on the Spirit River near its confluence with the Wisconsin River at river mile 313.5 in Lincoln County near Tomahawk, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 60 feet long, 35 feet wide, and 26 feet high, with upstream wingwalls about 36 feet long and downstream wingwalls about 24 feet long; (2) two tainter gates in the dam, each 20 feet wide by 19 feet high; (3) a right abutment dike about 1,140 feet long and 26 feet high, and a left abutment dike about 1,330 feet long and 26 feet high; and (4) a reservoir with a surface area of 1,698 acres and gross storage of 672 mcf at the maximum water level of 1,437.88 feet NGVD. The reservoir has usable storage of 666 mcf with a drawdown of 17.0 feet.

Eau Pleine Development

The Eau Pleine Development is a man-made reservoir, located on the Big Eau Pleine River near its confluence with the Wisconsin River at river mile 237.6 in Marathon County near Mosinee, Wisconsin. The development consists of: (1) A reinforced concrete gated gravity dam 149 feet long, 30 feet wide, and 45 feet high, with upstream wingwalls about 90 feet long and downstream wingwalls about 54 feet long; (2) three tainter gates in the dam, each 26 feet wide by 15.5 feet high; (3) one sluice gate in the dam, 10 feet wide by 6 feet high; (4) a right abutment dike about 4,450 feet long and 45 feet high, and a left abutment dike about 4,000 feet long and 45 feet high; and (5) a reservoir with a surface area of 6,677 acres and gross storage of 4,275 mcf at the maximum water level of 1,145.43 feet NGVD. The reservoir has usable storage of 4,170 mcf with a drawdown of 27.43 feet.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all existing project facilities.

The existing project would also be subject to Federal takeover under sections 14 and 15 of the Federal Power Act.

m. *Purpose of Project:* The purpose of the project is to regulate flow of the Wisconsin River.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Wisconsin Valley Improvement Company, 2301 North Third Street, Wausau, WI, 54401, (715) 848–2976.

2a. *Type of Application:* New Major License.

b. *Project No.:* 2329–005.

c. *Date Filed:* December 10, 1991.

d. *Applicant:* Central Maine Power Company.

e. *Name of Project:* Wyman Project.

f. *Location:* On the Kennebec River, Somerset County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Gerald C. Poulin, Central Maine Power Company, Edison Drive, Augusta, ME 04336. (207) 623–3521.

i. *FERC Contact:* Robert Bell (dt) (202) 219–2806.

j. *Comment Date:* See Paragraph D9 (May 24, 1993).

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached standard paragraph D9.

l. *Description of Project:* The existing project consists of: (1) An existing 84-foot-high, 3,246-foot-long concrete gravity dam; (2) an impoundment having a surface area of 3,240 acres with a storage capacity of 208,910 acre-feet and a normal water surface elevation of 485 feet msl; (3) the existing intake structure; (4) the existing powerhouse containing three turbine-generator units with a total rated capacity of 72,000–kW; (5) the existing tailrace; (6) the existing transmission line; and (7) appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4, D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Central Maine Power Company, 34 Anthony Avenue, Augusta, Me 04330, (207) 623–3521.

3a. *Type of Application:* New Major License

b. *Project No.:* 2402–003

c. *Date Filed:* December 23, 1991

d. *Applicant:* Upper Peninsula Power Company

e. *Name of Project:* Prickett Hydro Project

f. *Location:* On the Sturgeon River in Houghton and Baraga Counties, Michigan

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Clarence R. Fisher, President, Upper Peninsula Power Company, P.O. Box 130, 600 Lakeshore Drive, Houghton, MI 49931. (906) 487–5000

i. *FERC Contact:* Ed Lee (202) 219–2809

j. *Deadline Date:* See paragraph D9. (May 24, 1993)

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The project as licensed consists of the following: (1) An existing earth embankment, approximately 500 feet long with a maximum height of 55 feet, containing a corewall composed of a concrete wall with steel sheet piling underneath; (2) an existing concrete retaining wall, about 200 feet long with a maximum height of 55 feet; (3) a concrete, four bay, multi-arch, buttress dam (109.5 feet long) containing (a) three gate controlled spillway sections, each equipped with a steel radial gate, 24 feet long by 13.5 feet high, and (b) a non-overflow section, 27 feet long; (4) an existing concrete gravity non-overflow section, 41 feet long; (5) an existing spillway apron, 40 feet long, consisting of a rock bottom and sides

formed of concrete retaining walls, approximately 20 feet high; (6) an existing fuse plug emergency spillway consisting of a 20-foot-long by 13-foot-high earth embankment section; (7) an existing reservoir with a surface area of 773 acres and a total storage volume of 13,687 acre-feet at the normal maximum surface elevation of 768.8 feet MSL; (8) an existing intake canal, 500 feet long, composed of an earth bottom, minimum width 50 feet, and excavated earth side slopes; (9) an existing concrete intake structure, a gravity section 35.5 feet wide by 47 feet long, consisting of (a) two entrance ways, each 14 feet wide with a gross area of approximately 204 square feet, and (b) two steel radial gates, each approximately 14 feet long by 14 feet high; (10) two existing earth embankments, on either side of the intake structure, a total length of approximately 125 feet, containing a corewall composed of steel sheet piling with a concrete cap; (11) two existing 8 foot diameter wood stave penstocks, each about 80 feet long with a cross sectional area of 50 square feet; (12) an existing brick and concrete powerhouse, 46 feet wide by 38 feet long by 30 feet high, containing (a) two vertical Francis turbines, rated at 1,600 hp each, and (b) two vertical generators, rated at 1,100 kW each, providing a total plant rating of 2,200 kW; and (13) existing appurtenant facilities. No changes are being proposed for this new license. The applicant estimates the average annual generation for this project would be 9.6 GWH. The dam and existing project facilities are owned by the applicant.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Upper Peninsula Power Company, P.O. Box 130, 600 Lakeshore Drive, Houghton, Michigan, or by calling (906) 487–5000.

4a. *Type of Application:* New Major License.

b. *Project No.:* 2431–008.

c. *Date Filed:* December 2, 1991.

d. *Applicant:* Wisconsin Electric Power Company.

e. *Name of Project:* Brule Hydro Project.

f. *Location:* On the Brule River in Florence County, Wisconsin, and Iron County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. David K. Porter, Wisconsin Electric Power Company, 231 West Michigan Street, P.O. Box 2046, Milwaukee, WI 53201. (414) 221–2500.

i. *FERC Contact:* Ed Lee (202) 219–2809.

j. *Deadline Date:* See paragraph D9. (May 24, 1993).

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The project as licensed consists of the following: (1) A 157.5-foot-long earth dike, located at the right end of the dam when facing downstream, with a crest elevation of 1206.1 feet NGVD and a crest width of 9 feet, constructed of homogeneous silty sandy material and a concrete corewall; (2) a 225-foot-long earth dike, located between the auxiliary spillway and the west gravity wall, with a crest elevation of 1206.1 feet NGVD and a minimum crest width of 24 feet, constructed of homogeneous silty sand material and a concrete corewall; (3) a 880-foot-long earth dike, located about 1.4 miles upstream of the dam, with a crest elevation of 1203.8 feet NGVD and a crest width of 6 feet, constructed of sand fill material; (4) a reservoir with a surface area of 545 acres and a total volume of 8,800 acre-feet at the normal maximum surface elevation of 1198.8 feet NGVD; (5) a reinforced concrete spillway on bedrock with a crest elevation of 1187.1 feet NGVD containing eight 12-foot-high and 4-foot-wide Tainter gates, electrically operated by individual hoists; (6) an auxiliary spillway, located at the left end of the dam when facing downstream, composed of two bays, separated by a concrete wall, each containing an erodible fuse plug with a 60-foot-long by 6-foot-wide crest at an elevation of 1204.62 feet NGVD; (7) a 1000 foot long auxiliary spillway channel, located adjacent to the downstream apron of the auxiliary spillway, with a base width of 40 feet and a 1.7% slope; (8) a 68-foot-long concrete gravity wall, located at the right end of the powerhouse when facing downstream, keyed into bedrock, with a top elevation of 1205.0 feet NGVD and a top width of 9 feet; (9) a 73-foot-long concrete gravity wall, located at the left end of the powerhouse when facing downstream, keyed into bedrock, with a top elevation of 1205.0 and a top width of 9 feet; (10) a 79-foot-long concrete gravity wall, located at the left end of the spillway when facing downstream; (11) a powerhouse with a reinforced concrete substructure on bedrock, 74.5-feet-long by 48-feet-wide, and a steel frame brick superstructure, 74.5 feet long by 48 feet wide containing, (a) a mobile 10-ton crane, (b) three Francis-type turbines, vertical shaft, manufactured by James Leffel and Company, rated at 3,100 hp, 3,100 hp and 3,300 hp and, (c) three Westinghouse 6,600 V, 3-phase, 60-cycle generators, rated at 2,000 kW, 2,000 kW and 1,355 kW; and (12) a transmission system containing, (a) four single-phase 1,667 kVA, 60-cycle transformers, one of which is a spare, (b) a switch gear along with associated metering and protection equipment, (c) a 345-foot-long, 69–V transmission line.

No changes are being proposed for this new license. The applicant estimates that the installed project capacity is 5.355 MW with an average annual generation of 14.9 GWH. The project dam and facilities are owned by the applicant. There are 1.82 acres of U.S. lands enclosed within the project boundary.

m. *Purpose of Project:* Project power would be utilized by the applicant for sale to its customers.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Wisconsin Electric Power Company, 231 West Michigan Street, P.O. Box 2046, Milwaukee, WI 53201, or by calling (414) 221–2500.

5a. *Type of Application:* New Major License.

b. *Probject No.:* 2458–009.

c. *Date Filed:* December 17, 1991.

d. *Applicant:* Great Northern Paper, Inc.

e. *Name of Project:* Penobscot Mills Project.

f. *Location:* On the West Branch of the Penobscot River and Millinocket Stream, Penobscot and Piscataquis Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. James Carson, Great Northern Paper, Inc., Georgia-Pacific Corporation, Millinocket, ME 04462, (207) 723–5131

i. *FERC Contact:* Robert Bell (RB) (202) 219–2806.

j. *Comment Date:* See Paragraph D9 (May 24, 1993).

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached standard paragraph D9.

l. *Description of Project:* The Penobscot Mills Project (Project) consists of four discrete generating facilities, and one storage/pump station development, beginning with the most upstream: the Millinocket Lake Storage Development (which is located northeast of the North Twin Development and contains a pumping station), the North Twin Development, the Millinocket Development, the Dolby Development, and the East Millinocket Development. For the existing condition, the Project has a total nameplate generator capacity of 55.3 megawatts (MW) and an average annual generation of about 386,400 megawatt-hours (MWH).

The existing Penobscot Mills Project's principal features consist of five dam structures, five impoundments, four powerhouses, and appurtenant facilities. In detail, the existing and proposed project is described as follows:

Millinocket Lake Storage Development

The development is strictly used for storage with water being either released through the dam and down the Millinocket Stream, or pumped through a pumping station into the North Twin impoundment for an increase in generation at the North Twin and Millinocket Developments. There are no hydroelectrical generating facilities located at this development. The Storage Development consists of:

(1) A concrete and earth-filled dam, totaling about 635 feet long, having: (a) An earthen embankment, 462 feet long, with a crest elevation of ranging from 485.6 feet (USGS) to 487.0 feet (USGS); (b) two spillway sections, totaling about 115 feet long with a crest elevation of 480.0 feet (USGS), separated by; (c) a 58-foot-long intake section, with four lift gates, 8 feet wide by 9 feet high, and a log sluice gated, 8 feet wide by 10 feet high, protected by trashracks of 3/16-inch steel bars with 1-inch openings;

(2) A concrete, steel, and brick pumping station, about 25 feet wide by 53 feet long, equipped with: (a) Two vertical wet pit pumps, each with a capacity of 122 cubic per second (cfs), driven by; (b) two induction motors, each with a capacity of 250 horsepower (hp), discharging into; (c) two underground 4.5-foot-diameter pipes, about 544 feet long, that lead to the outlet structure at North Twin impoundment, which has; and (d) two steel gates, about 6 feet high by 6 feet wide;

(3) An impoundment, having: (a) A surface area of about 8,640 acres; (b) a gross storage capacity of 45,370 acre-feet; (c) a useable storage capacity of 45,370 acre-feet; and (d) a normal pool headwater elevation of 480.0 feet (USGS);

(4) And appurtenant facilities.

North Twin Development

(1) A concrete gravity and earthfill dam, totaling about 1,051 feet long, with a maximum height of 35 feet, consisting of: (a) Two earth wings with concrete core walls, totaling about 500 feet long, of which 309 feet is topped with a paved roadway and 100 feet is topped with a parapet wall, having crest elevations that vary from 498.60 feet to 494.62 feet (USGS); (b) a 34-foot-long concrete weir fishway with two deep gated log sluice sections; (c) a 114-foot-long by 37-foot-wide intake section, having trashracks of 3/8-inch steel bars with 2 5/8 inches openings; (d) a 117-foot-long concrete spillway, having two Taintor gates, each measuring 27 feet high by 50 feet wide, with an invert elevation of 464.62 feet (USGS); and (e) six auxiliary earth dikes, totaling about 2,530 feet long;

(2) a concrete, steel, and brick powerhouse, integral with the dam, about 90 feet wide by 114 feet long, equipped with: (a) Two vertical Francis turbines and one vertical Kaplan turbines, totaling of 9,350 hp, directly connected to three generators having; (b) a total rated capacity of 9,840 kilowatts (kW); (c) a total hydraulic capacity of 4,500 cfs; (d) a net head of 28 feet, and (e) an average annual generation of 47,300 MWH, discharging into; (f) a tailrace of six bays, each measuring 14 feet wide, and bordered by; (g) a 28-foot-long concrete retaining wall;

(3) An impoundment, about 11.8 miles long, having: (a) A surface area of about 17,790 acres; (b) a gross storage capacity of 346,000 acre-feet; (c) a usable storage capacity of 344,400 acre-feet; and (d) a normal pool headwater elevation of 491.92 feet (USGS) and tailwater elevation of 460.7 ft (USGS);

(4) A 4.2 mile long, 34.5 kilovolt (kV), transmission line;

(5) And appurtenant facilities.

Millinocket Development

(1) A concrete gravity and Stone dam, at the outlet of Quakish Lake, totaling about 1,262 feet long, with a maximum height of 27 feet, consisting of: (a) A concrete gravity overflow section, about 300 feet long, having a crest elevation of 458.95 feet (USGS); (b) two concrete gravity sections, totaling about 786 feet long, having a crest elevation of 456.20 feet (USGS), topped with 30-inch-high flashboards, separated by; (c) a 52-foot-long wastegate structure with four steel gates; (d) eight auxiliary earth dikes totaling about 5,769 feet long; and (e) a 124-foot-long headgate section, with ten steel gates, each about 8 feet high by 11 feet wide, and a sluiceway about 10 feet high by 12 feet wide;

(2) An intake section, extending from the headgates, located at the outlet of Quakish Lake, through Ferguson Pond to the intake structure at Ferguson Pond outlet, consisting of: (a) A canal section, measuring about 150 feet wide by 1,400 feet long, separated from the back channel by a concrete gravity section, having a crest elevation of 458.20 feet (USGS), topped with 6-inch-high flashboards; (b) a concrete and wood frame intake structure having (i) six gates, each measuring 12.5 feet wide by 12.5 feet high, which control the flow into six 10-foot-diameter penstocks, 1,007 feet long, leading to the units in the Grinder Room, protected by trashracks of 3/8-inch steel bars with 2 7/8-inch openings; and (ii) one gate, measuring 13.5 feet wide by 13.5 feet high, which controls the flow into an 11-foot-diameter penstock, 1,024 feet long, leading to a unit in the Generator Room, protected by a trashrack of 3/8-inch steel bars with 2½-inch openings;

(2) A concrete, steel, and brick powerhouse, about 52 feet wide by 112 feet long, equipped with: (a) Five hydromechanical and three hydroelectrical horizontal Francis turbines, totaling 49,115 hp, connected to three generators having; (b) a total rated capacity of 9,840 kW; (c) a hydraulic capacity of 4,500 cfs; (d) a net head of 108 feet; and (e) an average annual generation of 203,300 MWH discharging into; (f) a tailrace of seven bays, each measuring 14 feet wide;

(3) An impoundment, having: (a) a surface area of about 1,344 acres; (b) a gross storage capacity of 8,100 acre-feet; (c) a negligible usable storage capacity; and (d) a normal pool headwater elevation of 458.7 feet (USGS) and tailwater elevation of 347.4 ft (USGS); and

(4) A 300-foot-long, 34.5 kilovolt (kV), transmission line;

(5) And appurtenant facilities.

Dolby Development

(1) A concrete gravity and earthfill dam, totaling about 1,395 feet long, with a maximum height of 66 feet, consisting of: (a) a concrete gravity spillway section, about 521 feet long, having a crest elevation of 332.2 feet (USGS),

topped with 4-foot-high flashboards, separated by; (b) a 76-foot-long wastegate structure with six gates, each about 6 feet by 9 feet, and by (c) a 34-foot-long log sluice section; (d) an earthen dike, with core walls, about 530 feet long topped with a 12-foot-wide travel path; and (e) a 209-foot-long headgate section with nine gates, protected by 3 sets of trashracks of ⅜-inch steel bars with 1⅝-inch openings and 4 sets of trashracks of ⅜-inch steel bars with 2⅝-inch openings;

(2) A concrete, steel, and brick powerhouse, about 115 feet wide by 167 feet long, and an addition of 32 feet wide by 36 feet long, equipped with: (a) three horizontal Francis, three inclined tube, and one vertical Kaplan turbines, totaling 28,732 hp, connected to seven operable generators having: (b) a total rated capacity of 20,988 kW; (c) a hydraulic capacity of 6,000 cfs; (d) a net head of 49 feet; and (e) an average annual generation of 98,100 MWH; discharging into (f) a tailrace, with eight discharge bays;

(3) an impoundment, about 11.8 miles long, having: (a) A surface area of about 2,048 acres; (b) a gross storage capacity of 41,956 acre-feet; (c) a negligible useable storage capacity; and (d) a normal pool headwater elevation of 336.2 feet (USGS) and tailwater elevation of 287.2 ft (USGS); and

(4) A 2 miles long, 34.5 kV, 60 hertz (Hz) and a 6.8 miles long, 33.0 to 34.5 kV, 40 Hz transmission lines;

(5) And appurtenant facilities.

East Millinocket Development

(1) A concrete and earthfill gravity dam, totaling about 571 feet long, with a maximum height of 28 feet, consisting of: (a) An earth embankment about 116 feet long with a top elevation of 295.2 ft (USGS); (b) a concrete gravity spillway section, about 300 feet long, having a crest elevation of 282.2 feet (USGS), topped with 4-foot-high flashboards, separated by; (c) a 59-foot-long wastegate structure with two gates, each about 23 feet wide; (d) a 7-foot-long timber cribbed section; and (e) a 146-foot-long intake section, with twelve gates, about 9 feet high by 11 feet wide, protected by trashracks of ⅜-inch steel bars with 1¼ inches openings;

(2) A concrete, steel, and brick powerhouse, about 56 feet wide by 147 feet long, equipped with: (a) Six horizontal Francis turbines and generator units, totaling of 9,300 hp, having; (b) a total rated capacity of 9,600 kW; (c) a hydraulic capacity of 4,200 cfs; (d) a net head of 24 feet; and (e) an average annual generation of 37,700 MWH; discharging into (f) a tailrace, about 1,050 feet long by 110 feet wide, with six discharge bays;

(3) An impoundment, having: (a) A surface area of about 128 acres; (b) a gross storage capacity of 1,950 acre-feet; (c) a negligible useable storage capacity; and (d) a normal pool headwater elevation of 287.2 feet (USGS) and tailwater elevation of 261.5 ft (USGS); and

(4) And appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant in its paper making plants.

n. *This notice also consists of the following standard paragraphs:* A4, D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Great Northern Paper, Inc. Energy Research Building, 1 Katahdin Avenue, Millinocket, ME 04462 (207) 723–5131.

6.a. *Type of Application:* New Major License

b. *Project No.:* 2506–002

c. *Date Filed:* December 20, 1991

d. *Applicant:* Mead Corporation, Publishing Paper Division

e. *Name of Project:* Escanaba River Hydro Project

f. *Location:* On the Escanaba River in Delta and Marquette Counties, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Gary L. Butryn, Mead Corporation, County Road 426, P.O. Box 757, Escanaba, MI 49829. (906) 786–1660

i. *FERC Contact:* Ed Lee, (202) 219–2809

j. *Deadline Date:* See paragraph D9. (May 25, 1993)

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached paragraph D9.

l. *Description of Project:* The project as licensed consists of the following three developments:

The Dam No. 1 Development includes: (1) An existing earth embankment section, 250 feet long, containing a concrete wall, 200 feet long, keyed into bedrock; (2) an existing earth embankment section, 100 feet long, with the downstream portion supported by a concrete retaining wall; (3) three existing mass concrete ungated ogee spillway sections, the first extending 36 feet with a height of about 26 feet, the second extending 240 feet with a height of about 26 feet, and the third extending 150 feet with a height of about 18 feet, all sections equipped with flashboards; (4) an existing gated concrete ogee spillway section, approximately 17 feet long with a height of about 12.5 feet, containing a steel Tainter gate, 12 feet long and 16 feet high; (5) an existing log sluice; (6) an existing reservoir with a surface area of 75 acres and a total storage volume of 375 acre-feet at the normal maximum surface elevation of 603.1 feet MSL; (7) an existing brick, concrete and steel powerhouse, approximately 99 feet long by 26 feet wide by 30 feet high, containing (a) three vertical Francis turbines with a combined hydraulic capacity of 1,175 cfs, all manufactured by James Leffel Co., the first and second rated at 920 hp, the third rated at 720 hp, and (b) three vertical shaft synchronous generators, all manufactured by Electric Machinery Manufacturing Co., the first and second rated at 700 kW, the third rated at 550 kW, providing a total development rating of 1,950 kW (yielding a total project rating of 9,190 kW); (8) an existing 6.6 kV transmission line, approximately one mile long from Dam No. 1 to the paper mill; and (9) existing appurtenant facilities.

The Dam No. 3 Development includes: (1) Two existing earth embankment sections, a total length of 1,330 feet, each containing a concrete corewall; (2) an existing ungated concrete spillway, approximately 150 feet long and about 29 feet high, topped with flashboards along the crest; (3) an existing gated concrete ogee spillway, approximately 78 feet long and about 29 feet high, containing three steel Tainter gates, each 20 feet long by 16 feet high; (4) an existing reservoir with a surface area of 182 acres and a total storage volume of 1,100 acre-feet at the normal maximum surface elevation of 664.9 feet MSL; (5) an existing log sluice and fishway, integral to the powerhouse; (6) an existing concrete powerhouse, approximately 74 feet long by 62 feet wide by 39 feet high, containing (a) two vertical Francis turbines with a combined hydraulic capacity of 1,250 cfs, manufactured by Allis-Chalmers and rated at 1,550 hp each, and (b) two vertical shaft synchronous generators, manufactured by Allis-Chalmers and rated at 1,250 kW each when operating

at a power factor of unity, providing a total development rating of 2,500 kW (assumes unity power factor); (7) an existing 6.6 kV transmission line, approximately two miles long from Dam No. 3 to the paper mill; and (8) existing appurtenant facilities.

The Dam No. 4 (Boney Falls) Development includes: (1) An existing earth embankment section, approximately 1,500 feet long, with a concrete corewall; (2) an existing non-overflow mass concrete section, approximately 93 feet long with a height of about 40 feet; (3) an existing gated concrete ogee spillway section, approximately 139 feet long, containing six steel Tainter gates, each 20 feet long and 14 feet high; (4) an existing ungated concrete ogee spillway section, approximately 200 feet long with a maximum height of about 40 feet, topped by 1-foot-high flashboards along the crest; (5) an existing uncontrolled broad-crested Roller Compacted Concrete emergency spillway, 500 feet long, containing (a) an earthfill fuse plug, installed on the crest and downstream slope of the spillway, and (b) a concrete corewall; (6) an existing earth embankment section, about 1,600 feet long with a concrete corewall; (7) an existing reservoir with a surface area of 220 acres and a total storage volume of 2,300 acre-feet at the normal maximum surface elevation 906.6 feet MSL; (8) an existing log sluice and fishway; (9) an existing brick and concrete powerhouse, approximately 70 feet long by 70 feet wide by 73 feet high, containing (a) three vertical Francis turbines with a combined hydraulic capacity of 1,350 cfs, manufactured by S. Morgan Smith and rated at 2,400 hp each, and (b) three vertical shaft synchronous generators, manufactured by General Electric, the first rated at 1,360 kW, the second rated at 1,700 kW, and the third rated at 1,680 kW, providing a total plant rating of 4,740 kW; (10) an existing 34.5 kV transmission line, approximately 19 miles long from Dam No. 4 to the paper mill; and (11) existing appurtenant facilities.

No changes are being proposed for this new license. The applicant estimates the total project capacity to be 16.43 MW with an average annual generation of 29.6 GWH. The dams and all existing project facilities are owned by the applicant.

m. *Purpose of Project:* Project power would be utilized by the applicant for use in the operation of its manufacturing facilities.

n. *This notice also consists of the following standard paragraphs:* A4 and D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Mead Corporation, Publishing Paper Division, Escanaba, MI 49829 or by calling (906) 786–1660.

7a. *Type of Application:* New Major License

b. *Projects No.:* 2554–003

c. *Date Filed:* December 20, 1991

d. *Applicant:* Moreau Manufacturing Corporation

e. *Name of Project:* Feeder Dam Project

f. *Location:* On the Hudson River in Warren and Saratoga Counties, New York

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. John M. Cordes, Moreau Manufacturing Corporation, 100 Clinton Square, Suite 400, Syracuse, NY 13202. (315) 471–2881

i. *FERC Contact:* Robert Bell (RB) (202) 219–2806

j. *Comment Date:* May 28, 1993

k. *Status of Environmental Analysis:* This application is not ready for environmental analysis at this time—see attached standard paragraph E1.

l. *Description of Project:* The Project consists of:

1. Feeder Dam is an uncontrolled overflow gravity dam of concrete construction, approximately 615 feet long and 21 feet high. A spillway exists along the entire crest of the dam which has an elevation of 281.1 feet msl. The reservoir water level will be maintained at or above 284.1 feet msl by the installation of the proposed rubber dam. The rubber dam will be deflated when the head pond level exceeds 286.1 feet msl. The dam also serves to provide water to the Champlain Feeder Canal.

2. At the south abutment of the dam are eight (8) 15 foot by 13.5 foot stoplog openings which supply water to the hydro plant forebay. Trashracks are located on the north side of the forebay at the intake to the power plant. These racks have ⅜ inch by 3½ inch bars with 4½ inch clear openings.

3. The power house is located on the southern end of the dam. It is constructed of concrete, masonry and brick and houses 5 hydroelectric turbines with a total capacity of 6 MW. The five vertical hydroelectric turbines are identical, each with fixed blade propeller runner with a design capacity of 1,500 hp at a design head of 15.5 feet. In addition to the installation of a rubber dam, several life extension projects are being proposed. These include: Repair of cracks and a granite block wall, replacement of ice sluiceway gate to include two fish bypass sluice gates; sealing & modification of intake gates; installation of automated systems associated with the cooling water pump standby, dedicated air brake and a mechanical trash rake system; and replacement of various electrical components including transformers, and excitation system motor generator sets. There are no substations or switchyards included in the project. The power generated by the project is transmitted from the powerhouse to the nearby Niagara Mohawk substation for the Queensbury-Hency Street 34.5 KV transmission line (FERC License No. 2641).

4. The Feeder Dam impoundment has a surface area of 717 acres (AC), a useable storage capacity of 1690 acre-feet (AF), a gross storage capacity of 10,000 acre-feet, and a normal headwater elevation of 284.1.

Replacement of the flashboards with the rubber dam is projected to provide 16.5% more energy for the project. No change in the surface area of the impoundment is expected as a result of the project.

The existing project would also be subject to Federal takeover under Sections 14 and 15 of the Federal Power Act. Based on the expiration of December 31, 1993, the Applicant's estimated net investment in the project would amount to $3,096,983.

m. *Purpose of Project:* Project power would be utilized by the applicant in its mill operation.

n. This notice also consists of the following standard paragraphs: B1 and E1.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC 20426, or by calling (202) 208–1371.

8a. *Type of Application:* New Major License

b. *Project No.:* 2572–005

c. *Date Filed:* December 17, 1991

d. *Applicant:* Great Northern Paper, Inc.

e. *Name of Project:* Ripogenus Project

f. *Location:* On the West Branch of the Penobscot River and Millinocket Stream, Piscataquis County, Maine

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. James Carson, Great Northern Paper, Inc., Georgia-Pacific Corporation, Millinocket, ME 04462. (207) 723–5131

i. *FERC Contact:* Robert Bell (RB) (202) 219–2806

j. *Comment Date:* See Paragraph D9 (May 24, 1993)

k. *Status of Environmental Analysis:* This application has been accepted for filing and is ready for environmental analysis at this time—see attached standard paragraph D9.

l. *Description of Project:* The Ripogenus Project's principal features consist of an impoundment, a dam, a powerhouse, a bypass reach about 4,730 feet long in the Upper Gorge area, and appurtenant facilities. For the existing condition, the project has a total nameplate generator capacity of 37.5 megawatts (MW) and an average annual generation of about 234,000 megawatt-hours (MWH). In detail, the existing and proposed project is described as follows:

(1) A concrete gravity dam, totaling about 974 feet long, consisting of: (a) A 658-foot-long ogee spillway section with a crest elevation of 929.6 feet (USGS), at a maximum height of 83 feet, topped with 22 stop-log gates, each about 17 feet wide by 11 feet high, and two crest gates, each about 17 feet wide by 11 feet high; (b) a tunnel intake section, about 37 feet long, having (i) a 16-foot-diameter concrete-lined tunnel about 3,850 feet long, (ii) a surge tank, 44 feet in diameter by 104 feet high, rising about 54 feet above grade, and (iii) three concrete-lined steel penstocks, 10 feet in diameter and ranging about 100 to 136 feet in length, all protected by (iv) trashracks of 3 by ⅜-inch steel bars with 2⅝-inch openings; (c) a gate section, 179 feet long, with four deep waste gates, each about 14 feet high by 6 feet wide; and (d) a 100-foot-long earth embankment with a crest elevation of 942.6 feet (USGS);

(2) A concrete-steel with brick masonry powerhouse, about 76 feet high by 45 feet wide by 130 feet long, equipped with three vertical shaft generating units totaling: (a) A rated capacity of 51,510 horsepower (hp); (b) 37,530 kilowatts (kW); (c) a hydraulic capacity of 3,500 cubic feet per second (cfs); and (d) a designed head ranging from 165 to 175 feet;

(3) An impoundment of about 20.8 miles long, having: (a) A surface area of about 29,270 acres; (b) a gross storage capacity of 710,000 acre-feet; (c) a useable storage capacity of 688,705 acre-feet; and (d) a normal pool headwater elevation of 941.6 feet (USGS) and tailwater elevation of 758.5 feet (USGS);

(4) A 30.2-mile-long, 115 kilovolt (kV), transmission line; and

(5) Appurtenant facilities.

The Applicant is not proposing any changes to the existing project works as licensed. The Applicant owns all the existing project facilities.

m. *Purpose of Project:* Project power would be utilized by the applicant in its paper making plants.

n. *This notice also consists of the following standard paragraphs:* A4, D9.

o. *Available Location of Application:* A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 941 North Capitol Street, NE., room 3104, Washington, DC, 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at Great Northern Paper, Inc. Energy Research Building, 1 Katahdin Avenue, Millinocket, ME 04462 (207) 723–5131.

9a. *Type of Application:* Transfer of License

b. *Project No.:* 5679–011

c. *Date Filed:* March 22, 1993

d. *Applicant:* Metals Selling Corporation

e. *Name of Project:* MSC Power Project

f. *Location:* Quinebaug River in Windham County, Connecticut

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Metals Selling Corporation, c/o Robert E. Thorne, Esq., Somerset Square, 140 Glastonbury Boulevard, Glastonbury, CT 06033 (203) 633–8577

i. *FERC Contact:* Hank Ecton (202) 219–2678

j. *Comment Date:* May 21, 1993

k. *Description of Proposed Action:* Metals Selling Corporation proposes to transfer the license for the MSC Power Project No. 5679 to Toutant Hydropower, Inc. This transfer, arranged by Robert E. Thorne, its liquidation receiver, to the newly formed corporation, will better facilitate the development and financing of project activities.

l. *This notice also consists of the following standard paragraphs:* B, C.

10a. *Type of Application:* Preliminary Permit

b. *Project No.:* 11385–000

c. *Date Filed:* February 22, 1993

d. *Applicant:* Peak Power Corporation

e. *Name of Project:* Malin I Modular Pumped Storage Project

f. *Location:* Partially on lands administered by the Bureau of Land Management, approximately 26 miles southeast of the city of Klamath Falls, in Klamath County, Oregon. Sections 22, 26, 27, 32, 33, 34, and 35 in T40S, R13E; sections 5, 8, and 17 in T41S, R13E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Rick S. Koebbe, Peak Power Corporation, 10 Lombard Street, Suite 410, San Francisco, CA 94111 (415) 362–0887

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827

j. *Comment Date:* May 20, 1993

k. *Description of Project:* The proposed pumped storage project would consist of: (1) A 75-foot-high dam and 20-foot-high dam forming an 84-acre upper reservoir; (2) a 12-foot-diameter, 7,750-foot-long tunnel and penstock connecting the upper reservoir with a lower reservoir; (3) two 75-foot-high dams and a 25-foot-high dam forming the 75-acre lower reservoir; (4) a powerhouse with a total installed capacity of 200 MW; (5) a 6-mile-long transmission line interconnecting with an existing PacifiCorp transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $1,000,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

11a. *Type of Application:* Preliminary Permit

b. *Project No.:* 11386–000

c. *Date Filed:* February 22, 1993

d. *Applicant:* Peak Power Corporation

e. *Name of Project:* Malin II Modular Pumped Storage Project

f. *Location:* Partially on lands administered by the Bureau of Land Management, approximately 29 miles southeast of the city of Klamath Falls, in Klamath County, Oregon. Sections 2, 3, 11–17, 20, 21, 23, and 24 in T41S, R13E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Rick S. Koebbe, Peak Power Corporation, 10 Lombard Street, Suite 410, San Francisco, CA 94111. (415) 362–0887

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827

j. *Comment Date:* May 20, 1993

k. *Description of Project:* The proposed pumped storage project would consist of: (1) A 130-foot-high dam and 45-foot-high dam forming a 55-acre upper reservoir; (2) a 13.5-foot-diameter, 5,800-foot-long tunnel and penstock connecting the upper reservoir with a lower reservoir; (3) a 45-foot-high dam forming the 52-acre lower reservoir; (4) a powerhouse with a total installed capacity of 200 MW; (5) a 4-mile-long transmission line interconnecting with

an existing PacifiCorp transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $1,000,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

12a. *Type of Application:* Preliminary Permit

b. *Project No.:* 11388–000

c. *Date Filed:* February 25, 1993

d. *Applicant:* Peak Power Corporation

e. *Name of Project:* Malin III Modular Pumped Storage Project

f. *Location:* Partially on lands administered by the Bureau of Land Management, approximately 22 miles southeast of the city of Klamath Falls, in Klamath County, Oregon. Sections 25, 35, and 36 in T40S, R12E; sections 30 and 31 in T40S, R13E; sections 1 and 2 in T41S, R12E; sections 6–8, 17, and 18 in T41S, R13E.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r)

h. *Applicant Contact:* Mr. Rick S. Koebbe, Peak Power Corporation, 10 Lombard Street, Suite 410, San Francisco, CA 94111. (415) 362–0887

i. *FERC Contact:* Mr. Michael Strzelecki, (202) 219–2827

j. *Comment Date:* May 20, 1993

k. *Description of Project:* The proposed pumped storage project would consist of: (1) A 50-foot-high dam and 45-acre upper reservoir; (2) a 12.5-foot-diameter, 9,400-foot-long tunnel and penstock connecting the upper reservoir with a lower reservoir; (3) a 30-foot-high dam and 53-acre lower reservoir; (4) a powerhouse with a total installed capacity of 200 MW; (5) a 5-mile-long transmission line interconnecting with an existing PacifiCorp transmission line; and (6) appurtenant facilities.

No new access roads will be needed to conduct the studies. The approximate cost of the studies would be $1,000,000.

l. *This notice also consists of the following standard paragraphs:* A5, A7, A9, A10, B, C, and D2.

Standard Paragraphs

A4. *Development Application*—Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

A5. *Preliminary Permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. *Preliminary Permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. *Notice of Intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. *Proposed Scope of Studies under Permit*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit will be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

B1. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

C. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS","NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D9. *Filing and Service of Responsive Documents*—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments,

recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to § 4.34(b) of the regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. (May 24, 1993 for Project Nos. 2329–005, 2402–003, 2431–008, 2458–009, and 2572–005; May 25, 1993 for Project Nos. 2113–022 and 2506–002). All reply comments must be filed with the Commission within 105 days from the date of this notice. (July 6, 1993 for the Project No. 2402–003; July 8, 1993 for Project Nos. 2329–005, 2431–008, 2458–009, and 2572–005; July 9, 1993 for Project Nos. 2113–022 and 2506–002).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title "COMMENTS", "REPLY COMMENTS", "RECOMMENDATIONS", "TERMS AND CONDITIONS", or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

E1. *Filing and Service and Responsive Documents*—The application is not ready for environmental analysis at this time; therefore, the Commission is not now requesting comments, recommendations, terms and conditions, or prescriptions.

When the application is ready for environmental analysis, the Commission will issue a public notice requesting comments, recommendations, terms and conditions, or prescriptions.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, Room 1027, at the above address. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

Dated: April 13, 1993, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9017 Filed 4–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER93–358–000]

Malacha Hydro Limited Partnership; Filing

April 13, 1993.

Take notice that on March 26, 1993, Malacha Hydro Limited Partnership filed an amendment to the February 5, 1993 filing of its initial rate schedule for sales of energy and capacity to Pacific Gas and Electric Company, submitted pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9019 Filed 4–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER92–456–002]

Public Service Company of Colorado; Filing

April 13, 1993.

Take notice that on April 2, 1993, Public Service Company of Colorado tendered for filing its compliance filing in the above referenced docket.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93–9018 Filed 4–16–93; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER92–781–001]

Public Service Electric and Gas Co.; Filing

April 13, 1993.

Take notice that on July 26, 1983 a Northeast Utilities subsidiary Connecticut Light and Power Company tendered for filing an initial PSE&G Rate Schedule #69 for the sale or purchase of system energy from Public Service Electric and Gas Company.

In response to discussions with Commission Staff, PSE&G on March 29, 1993 unilaterally tendered for filing a Supplemental Agreement by and between Public Service Electric and Gas

Company and Northeast Utilities which reduces the maximum reservation rate.

Copies of the filing were served upon Northeast Utilities and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 27, 1993. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 93-9020 Filed 4-16-93; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP92-134-000]

Southern Natural Gas Co.; Informal Settlement Conference

April 13, 1993.

Take notice that an informal settlement conference will be convened in this proceeding on April 20, 1993, at 10 a.m. at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC, for the purpose of discussing the Mississippi Canyon facilities and exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact Betsy Carr at (202) 208-1240 or James A. Pederson at (202) 208-2158.

Lois D. Cashell,

Secretary.

[FR Doc. 93-9023 Filed 4-16-93; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 93-12-NG]

American Hunter Exploration Ltd.; Application for Blanket Authorization to Export Natural Gas to Mexico

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of application.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on February 3, 1993, of an application filed by American Hunter Exploration Ltd. (American Hunter) requesting blanket authorization to export up to 150 Bcf of natural gas to Mexico over a two-year period beginning with the date of first export. American Hunter states it would use existing pipeline facilities to implement the proposed exports and would advise DOE of the date of first deliveries and submit quarterly reports detailing each transaction.

The application is filed under section 3 of the Natural Gas Act (NGA) and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention, and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed at the address listed below no later than 4:30 p.m., eastern time, May 19, 1993.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-9478.

FOR FURTHER INFORMATION CONTACT:

Stanley C. Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3H-087, FE-53, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-9482.

Diane Stubbs, Office of Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585 (202) 586-6667.

SUPPLEMENTARY INFORMATION: American Hunter, a Delaware corporation, is a wholly-owned subsidiary of Canadian Hunter Exploration Ltd. with its principal office in Calgary, Alberta, Canada. The gas exported by American Hunter would be purchased from U.S. or Canadian producers on a short-term, spot market basis and sold primarily to the Mexican national oil and gas company, Petroleos Mexicanos (PEMEX), but may also be sold to other Mexican gas customers. The Canadian gas would first be imported into the United States under American Hunter's existing import authority. American Hunter states that the terms of the contracts between itself and purchasers of the exported gas would be negotiated at arms length. Also, American Hunter may act as the agent for potential purchasers and suppliers. American Hunter asserts that the gas exported would be surplus to U.S. needs and that transportation would be performed by existing pipelines.

This export application will be reviewed under section 3 of the NGA and the authority contained in DOE Delegation Order Nos. 0204-111 and 0204-127. In deciding whether the proposed export of natural gas is in the public interest domestic need for the gas will be considered and any other issue determined to be appropriate, including whether the arrangement is consistent with the DOE policy of promoting competition in the natural gas marketplace by allowing commercial parties to freely negotiate their own trade arrangements. Parties, especially those that may oppose this application, should comment on these matters as they relate to the requested export authority. The applicant asserts that there is no current need for the domestic gas that would be exported under the proposed arrangement. Parties opposing the arrangement bear the burden of overcoming this assertion.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. No final decision will be issued in this proceeding until DOE has met its NEPA *responsibilities.*

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have their written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be

taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be a party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trail-type hearing is necessary for full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If not party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of American Hunter's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, April 12, 1993.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 93–9107 Filed 4–16–93; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of February 1 through February 5, 1993

During the week of February 1 through February 5, 1993, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

J. Garlin Commercial Furnishings, 2/2/93, LFA–0263

J. Garlin Commercial Furnishings filed an Appeal from a denial by the Rocky Flats Office of the DOE of a Request for Information which the firm had submitted under the Freedom of Information Act (the FOIA). In considering the Appeal, the DOE found that the total amount bid on a subcontract to supply office equipment and furnishings, initially withheld under exemption 4, should be released to the public.

James L. Schwab, 2/1/93, LFA–0259, LFA–0260

James L. Schwab filed a joint appeal from two determinations issued to him on December 24, 1991, by the DOE Field Office, Nevada (DOE/NV) and on December 1, 1992, by the DOE Field Office, Albuquerque (DOE/AL). In these determinations, DOE/NV and DOE/AL denied identical request for information filed by Schwab under the Freedom of Information Act (FOIA). In his joint Appeal, Schwab contended that the initial searches conducted by DOE/NV and DOE/AL were inadequate and requested that DOE direct the Authorizing Officials to conduct new searches for documents responsive to his requests. In considering the Appeal, the DOE found that the DOE/NV and DOE/AL conducted adequate searches for responsive documents. Therefore, the DOE denied Schwab's Appeal.

Refund Applications

Anchor Gasoline Corp./Mamou Canal Center, et al., 2/3/93, RF346–3, et al.

The DOE issued its first Decision and Order in the Anchor Gasoline Corp. (Anchor) special refund proceeding. As stated in the Decision, the DOE granted refunds totalling $134,461 to nine applicants.

Apex Oil Co., Clark Oil & Refining Corp./Dave's Clark Service, Joe's Clark Service, 2/4/93, RF342–177, RF342–288

The DOE issued a Decision and Order granting two conflicting Applications for Refund filed by David J. Smith and Joseph Reiter in the Apex/Clark special refund proceeding. In their Applications, both claimants requested refunds for purchases of Clark petroleum products made at 10001 Southwest Highway, Oaklawn, Illinois, between February 1978 and February 1980. Upon the DOE's request, Mr. Smith definitely established that he was the dealer at the Oaklawn location until February 1980 when he turned over his lease to Mr. Reiter. Therefore, the DOE granted Mr. Smith a refund for Clark purchases made between August 1973 and February 1980. The DOE granted Mr. Reiter a refund based upon purchases he made after February 1980 only. The total amount of the refunds granted in this Decision was $5,350 (comprised of $4,037 principal and $1,313 interest).

Enron Corp./Growmark, Inc., 2/5/93, RF340–115

The DOE issued a Decision and Order concerning a refund Application that GROWMARK, Inc., had submitted in the Enron Corporation (Enron) special refund proceeding. The DOE found that GROWMARK is an agricultural cooperative operating for the benefits of its common shareholder/patrons. Accordingly, the DOE granted GROWMARK a refund of 1.29 million dollars based on its total purchases from Enron and required GROWMARK to pass through the refund to its shareholder/patrons on a dollar for dollar basis.

Good Hope Refineries/Consolidated Edison Company of New York, Inc., System Fuels, Inc., 2/3/93, RF339–3, RF339–10

On June 28, 1991, the DOE issued a Supplemental Order instituting special refund procedures for the distribution of $9,000,000, plus accrued interest, which Good Hope Refineries (Good Hope) remitted to the DOE under the terms of a July 31, 1979 Consent Order. This Decision and Order concerns the Application for Refund filed by two public utilities: Consolidated Edison Company of New York, Inc. (Consolidated Edison), and System Fuels, Inc. (System Fuels). Both applicants have certified that they will pass on the entirety of any refund to their customers through fuel adjustment clauses and will notify the appropriate regulatory body of its receipt. Consolidated Edison is eligible to receive 6.9986 percent of the consent

order fund, or a principal refund of $629,874. To this amount will be added $118,435 in interest; the total refund granted to Consolidated Edison is $748,309. System Fuels is eligible to receive 4.1186 percent of the consent order fund plus an additional refund based on 7,280,315 gallons of Good Hope fuel oil purchased indirectly through two different resellers. Its total principal is $408,532. To this amount will be added $76,799 in interest; the total refund granted to System Fuels is $485,331. The total of the refunds granted in this Decision and Order is $1,233,640 (comprised of $1,038,406 in principal and $195,234 in interest).

Great Lakes Carbon Corp., 2/4/93, RR272–88

The DOE issued a determination with respect to a Motion for Reconsideration filed by Great Lakes Carbon Corporation (GLCC). In that Motion, GLCC requested a crude oil overcharge refund based on its purchases of petroleum coke and impregnating pitch. In considering the Motion, the DOE applied a new standard of eligibility for refunds in crude oil overcharge cases. Specifically, the DOE considered as eligible those products that were either covered by the EPAA or purchased from a crude oil refinery. Since GLCC established that both the petroleum coke and impregnating pitch were purchased from a crude oil refinery, the DOE granted the Motion for Reconsideration. GLCC's total refund was $2,542,185, including $2,536,635 for petroleum coke and $5,550 for impregnating pitch.

Murphy Oil Corporation/Bay Pine Marina, 2/3/93, RF309–1428

The DOE issued a Decision and Order concerning an Application for Refund filed in the Murphy Oil Corporation special refund proceeding after the December 31, 1992 deadline. Since the applicant in this case did not show good cause for its lateness, the claim was denied.

Shell Oil Co./Atchison, Topeka & Santa Fe Railway Co., 2/3/93, RF315–10018

The DOE considered an Application for Refund filed in the Shell Oil Co. (Shell) refund proceeding by the Atchison, Topeka & Santa Fe Railway Co. (Santa Fe). In the Application for Refund, Santa Fe sought both a "volumetric"and an "above-volumetric" refund. Since Santa Fe was able to satisfactorily document its purchases of diesel fuel and gasoline from Shell during the consent order period and show that it was an end-user, the DOE granted Santa Fe a "volumetric" refund consisting of $29,140 in principal and $13,821 in interest. The DOE, however, denied Santa Fe's above-volumetric claim based upon its allegations that Shell incorrectly determined its maximum allowable price for diesel fuel at Shell's Wilmington, California, and Ciniza, New Mexico refineries. Santa Fe's claim was based upon evidence that it submitted comparing the purchase price of diesel fuel it purchased from Shell at the Wilmington and Ciniza refineries during May 1973 to the price at which it purchased diesel fuel during the period beginning January 1974 and continuing through June 1976 (the refund period). DOE's investigation, however, revealed that Santa Fe was purchasing a different grade and quality of diesel fuel from Shell during May 1973 than it purchased from Shell during the refund period. Accordingly, the DOE found that Shell was justified in differentiating between the prices it charged for the different grades of diesel fuel and that Santa Fe had failed to meet its burden of establishing the validity of its above-volumetric refund claim.

Shell Oil Company/ Parkway Shell, 2/3/93, RR 315–4

The DOE issued a Decision and Order granting a Motion for Reconsideration of a previous determination in *Shell Oil Company/Parkway Shell, Inc.*, 22 DOE ¶ 85,222 (1992) (*Parkway*). In the Motion, we denied the Application for Refund filed by Marco Pici, owner of Parkway Shell (Parkway) during the consent order period, because he had sold all of the issued and outstanding stock of the corporation in 1988. In his Motion, Mr. Pici presented the DOE with a June 5, 1989 addendum to the stock purchase agreement which placed all of the shares of stock of Parkway in escrow with Mr. Pici's attorney until May 1, 1993, or such time as the purchaser, Igor Birman, paid Mr. Pici in full. Mr. Birman has not as yet paid any substantial part of the $145,000 promissory note and his whereabouts are unknown. Therefore, the DOE determined that the transfer of stock was never completed, and the right to a refund for Parkway's purchases remained constructively the property of Mr. Pici. The DOE rescinded the previous Order and granted Mr. Pici a refund of $948 (comprised of $643 principal and $305 interest).

Texaco Inc./Jack Thurman's Texaco #1, RF321–14994, Clyde Jenkins Texaco, RF321–19368, Airport Texaco, RF321–19427, Broadway Texaco, 2/1/93, RF321–19428

The DOE issued a Decision and Order in which we modified a refund that had previously been granted to Clyde Jenkins Texaco (Case No. RF321–5180) and granted three Applications for Refund that were filed by Jack Thurman. We found that during a portion of the period of time that Ms. Jenkins claims that her husband operated Jenkins Texaco, the service station was in fact owned and operated by Mr. Thurman (Jack Thurman's Texaco #1). Ms. Jenkens was therefore required to repay $27 to the DOE. Mr. Thurman was also granted refunds for Broadway Texaco and Airport Texaco. The total of the refunds granted to Mr. Thurman was $4,196.

Texaco Inc./McCormick and Sons Oil Co., Inc., 2/1/93, RF321–4843

The DOE issued a Decision and Order concerning an Application for Refund filed on behalf of McCormick and Sons Oil Co., Inc. (McCormick), in the Texaco Inc. special refund proceeding. McCormick submitted printouts supplied by Texaco showing its purchases of various petroleum products. McCormick disagreed with the printout figures for motor and industrial oils and submitted estimated purchase figures. The DOE determined that because McCormick had supplied no specific methodology to determine its estimated motor oil gallonage figures and there was no other method by which estimated figures could be derived, Texaco's motor oil printout figures would be used to determine McCormick's approved gallonage. Additionally, McCormick submitted a monthly purchase schedule for its purchases of diesel fuel made during the period May 1979 through January 1981. The DOE held that McCormick's claim for these diesel fuel purchases should be rejected since diesel fuel was decontrolled on July 1, 1976, and thus no overcharges could have been incurred in sales made on or after that date. The DOE determined that McCormick was eligible to receive a refund equal to its full allocable share. McCormick was granted a refund totalling $2,394 ($1,782 principal plus $612 interest).

Texaco Inc./W.B. Distributors Inc., 2/3/93, RF321–16828

The DOE issued a Decision and Order granting an Application for Refund filed by W.B. Distributors Inc. in the Texaco Inc. Subpart V special refund proceeding. This Application for Refund was considered in combination with three previously-granted Applications for Refund filed by W.B. Distributors Inc. in the Texaco proceeding in order to determine one allocable share for W.B. Distributors Inc. as well as its appropriate presumption of injury level.

As a result, W.B. Distributor Inc.'s claim fell within the medium-range presumption of injury, thereby making W.B. Distributors Inc. eligible for a total refund of $10,000 plus interest. The amount of W.F. Distributors Inc.'s refund for the present Application was calculated by subtracting the principal refund amount granted in the three previous Applications for Refund from $10,000 thereby arriving at a refund amount of $8,428 ($6,273 in principal and $2,155 in interest) for the present Application.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Ordes concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Ashley Borough	RF272-82905	02/02/93
Atlantic Richfield Company/Bennie Caudle et al	RF304-13362	02/04/93
Atlantic Richfield Company/ Lyndon's Arco et al	RF304-10237	02/02/93
Belmont Public Schools	RF272-81591	02/05/93
Big Bay De Noc School District	RF272-82474	02/01/93
Bruce Kennedy Sand And Gravel et al	RF272-74636	02/04/93
Capitol Windows et al	RF272-77992	02/05/93
Carter Trucking Co., Inc	RF272-78546	02/02/93
AC-Berwick Transporters, Inc	RF272-90926	
City of Bad Axe	RF272-82689	02/02/93
City of Bluefield	RF272-82688	02/02/93
City of Brookville	RF272-82671	02/02/93
City of Iron Mountain	RF272-82665	02/01/93
City of Mattapoisett	RF272-82657	02/01/93
City of Pine Island	RF272-82719	02/01/93
City of Port Neches	RF272-82685	02/01/93
City of Seal Beach et al	RF272-82800	02/05/93
Clark Oil & Refining Corp./Herb's Clark et al	RF342-167	02/03/93
Enron Corp./Coastal States Trading, Inc	RF340-63	02/04/93
Derby Refining Company	RF340-178	
Gulf Oil Corporation/David's Gulf	RF300-13406	02/05/93
Gulf Oil Corporation/Enloe's Gulf	RF300-17531	02/04/93
Gulf Oil Corporation/Hawthorne Gulf	RR300-222	02/03/93
Goofy's Gulf	RR300-223	
Gulf Oil Corporation/Ogburn Station Gulf	RR300-207	02/02/93
Gulf Oil Corporation/Pate's Gulf	RF300-20854	02/01/93
Guttenberg Community School District et al	RF272-81705	02/05/93
Ingram Materials Co. et al	RF272-80895	02/03/93
Kings Consolidated School District 144 et al	RF272-79181	02/03/93
Logan Township	RF272-82661	02/01/93
Long Lake Central School	RF272-82673	02/02/93
Murphy Oil Corp./Franks' Grocery et al	RF309-1194	02/03/93
Puget Sound Freight Lines, Inc	RF272-92577	02/03/93
Springs Industries, Inc	RF272-93739	
Rainbow City	RF272-82641	02/02/93
St. Francis Indian School et al	RF272-80741	02/03/93
Sweet Springs School District R-7 et al	RF272-79724	02/05/93
Texaco Inc./Al's Texaco	RF321-19585	02/04/93
Texaco Inc./B & B Texaco	RF321-17873	02/02/93
B & B Texaco	RF321-18370	
Texaco Inc./Clifton Implement Co. et al	RF321-16094	02/01/93
Texaco Inc./Grant's Texaco Service Station et al	RF321-16460	02/02/93
Texaco Inc./Northtowne Plaza Texaco et al	RF321-15329	02/03/93
Texaco Inc./Rea and Derick, Inc	RF321-19576	02/04/93
Texaco Inc./Roadrunner Truck Stop, Inc. et al	RF321-12901	02/01/93
The Singer Company	RF272-19009	02/01/93
The Singer Company	RD272-19009	
Town of Topsham	RF272-82692	02/01/93
Village of New Paltz	RF272-82694	02/02/93

Dismissals

The following submissions were dismissed:

Name	Case No.
Beta Energy Corporation	LRO-0002
Bill's Texaco	RF321-13652
Bourque's Gulf Service #1	RF300-14614
Butler's AM/PM	RF304-75
Daniel Building Texaco	RF321-19375
Dollar & Rogers Construction.	RF272-67773
G.W. Townsend Lease Service.	RF300-17039
Gardner's Texaco	RF321-13352
Heart of America Northwest	LFA-0266
Jack E. Quaresma	RF304-54
Loertscher Oil Co	RF321-13444
Miley Muffler Shop	RF321-11085
Minit Saver #2	RF300-14619
Minute Saver Store	RF300-14618
Monument Texaco	RF321-10915
Northgate Arco	RF304-140
Ruscho Shell	RF315-5654
Savilla's I-64 Texaco	RF321-11867
Southwick-Tolland Schools	RF272-79790
Wayne Highlands School District.	RF272-79887
West End Texaco #1 and #2	RR321-35
Whiting Oil Corporation	RF304-13467

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except Federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 12, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–9106 Filed 4–16–93; 8:45 am]

BILLING CODE 6450–01–M

Issuance of Decisions and Orders During the Week of March 1 Through March 5, 1993

During the week of March 1 through March 5, 1993 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Barton J. Bernstein, 03/05/93, LFA–0014

Barton J. Bernstein filed an Appeal from a denial by the Director of the Office of the Executive Secretariat, of a request for information that he filed under the Freedom of Information Act (FOIA). In his Appeal, Professor Bernstein challenged the Director's withholding of certain portions of three documents written in 1949, 1950 and 1954 in the possession of the DOE. As the result of an appellate review of the documents, the DOE determined that some of the deleted information could now be declassified and released. However, other withheld portions are Restricted Data under the Atomic Energy Act of 1954 concerning nuclear weapons design, yield, and test objectives, and therefore are exempt from mandatory disclosure under Exemption 3 of the FOIA. Accordingly, the Appeal was granted in part and denied in part.

Federal Sources, Inc., 03/04/93, LFA–0270

Federal Sources, Inc. (Federal) filed an Appeal from two determinations issued to it by the Office of Placement and Administration (OPA), a unit of the Headquarters Procurement Operations of the Department of Energy. The determinations denied Federal's request for Agency Procurement Requests (APRs) filed under the Freedom of Information Act. In its Appeal, Federal challenged the OPA's application of Exemption 5 to the requested APRs. In considering the Appeal, the Office of Hearings and Appeals found that the OPA failed to explain the reasons why it concluded that the requested documents were predecisional and deliberative and therefore exempt from mandatory disclosure under Exemption 5. Therefore, Federal's Appeal was granted and the matter remanded to the Office of Placement and Administration for either prompt release of the requested documents or a new determination that specifically explains the application of Exemption 5.

Hanford Education Action League, 03/05/93, LFA–0269

The Hanford Education Action League (HEAL) filed an Appeal from a determination issued to it by the Richland Field Office of the Department of Energy (DOE) in response to a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE found that the Richland Field Office only considered one of at least three documents that might be responsive to HEAL's FOIA request. Further, although the one document that the Richland Field Office reviewed was withheld in its entirety under Exemption 5, it appears that the document contains non-exempt material. Accordingly, the Appeal was granted in part, and remanded to the Richland Field Office to determine which document(s) HEAL seeks, and to either release the responsive document(s) or issue a new determination explaining its reason(s) for withholding material.

Hanford Education Action League, 03/05/93, LFA–0085

Hanford Education Action League (HEAL) filed an Appeal from a denial by the Deputy Assistant Secretary for Nuclear Materials (now the Deputy Assistant Secretary for Facilities) of the Office of the Defense Programs, of a request for information that it filed under the Freedom of Information Act (FOIA). In considering the portions of the Appeal that concern information that was withheld as Unclassified Controlled Nuclear Information (UCNI) pursuant to Exemption 3 of the FOIA, the DOE determined that the deleted information is no longer UCNI and may now be released. Accordingly, the Appeal was granted.

Refund Applications

Apex Oil Co., Clark Oil & Refining Corp./Raymond Earl Knaeble, Jr., 03/05/93, RF342–308

The DOE issued a Decision and Order denying an Application for Refund filed on behalf of Raymond Earl Knaeble, Jr., in the Apex/Clark special refund proceeding. In the application, the applicant estimated his total gallonage figure using an estimation technique developed by Federal Refunds, Inc. (FRI). The DOE determined that FRI's estimation technique was based upon generalizations and faulty assumptions and was therefore unacceptable. Moreover, Mr. Knaeble's estimated gallonage figure was unreasonably high, when considered among the universe of Clark dealers during the refund period. Because the applicant failed to establish a reasonable volume of Clark product during the refund period, the Application for Refund was denied.

Good Hope Refineries/TransAmerican Natural Gas Corporation, 03/05/93, RF339–13

The Department of Energy (DOE) issued a Decision and Order concerning an Application for Refund filed by TransAmerican Natural Gas Corporation (TransAmerican) in the Good Hope Refineries (Good Hope) special refund proceeding. In that Decision, DOE denied TransAmerican's claim for a refund based on purchases made by its predecessors, two affiliates of Good Hope. The DOE rejected TransAmerican's argument that its affiliate relationship with Good Hope was severed by events that occurred in connection with the bankruptcy proceeding involving Good Hope and TransAmerican. The DOE concluded that TransAmerican was barred from partaking in any consent order funds remitted by its affiliate, Good Hope, to ensure that settlement funds not be returned directly or indirectly to Good Hope.

Texaco Inc./Craig's Texaco Service, Kinerd's Texaco, Walker's Texaco, 03/01/93, RR321–16, RR321–34, RR321–45

Three Texaco retailers each filed a Motion for Reconsideration of a Decision and Order that denied duplicate refund applications that each had previously filed in the Texaco Inc. special refund proceeding. In the Motions, the retailers stated that they had signed the second refund application, and certified in it that no other application had been filed, because they were confused and believed that they had to complete the second form to receive a refund. In

considering the Motions, the DOE found that the retailers did not file the second application for the purpose of obtaining a duplicate refund. Accordingly, the Motions for Reconsideration were approved and the retailers were granted refunds totalling $9,367 (including accrued interest).

Texaco Inc./Spiegel Oil Corp.—N.J., SOS Oil Corp., M. Spiegel & Sons Oil Corp., Big Three Truck Plaza, 03/04/93, RF321–7014, RF321–7016, RF321–7269, RF321–17030

The Office of Hearings and Appeals (OHA) of the Department of Energy issued a Decision and Order concerning Applications for Refund that were filed in the Texaco refund proceeding by Spiegel Oil Corp.—N.J. (Case No. RF321–7014), SOS Oil Corp. (Case No. RF321–7016), M. Spiegel & Sons Oil Corp. (Case No. RF321–7269), three affiliated resellers of Texaco refined petroleum products, and by Big Three Truck Plaza (Big Three) (Case No. RF321–17030). In the Decision, the OHA granted SOS' application, denied the Spiegel Oil Corp.—N.J. application for insufficient documentation, and dismissed M. Spiegel & Sons Oil Corp.'s application for failure to submit necessary information. The OHA determined that Big Three purchased its Texaco refined petroleum products on an indirect basis from SOS Oil Corp. and its affiliates, and that Big Three was therefore entitled to a refund. However, because SOS and its affiliates purchased only an estimated 10% of their refined petroleum products from Texaco during the refined period, the OHA used a reduced per-gallon volumetric amount to calculate Big Three's refund. SOS was granted a refund of $21,026 and Big Three was granted a refund of $4,205.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Sherer Oil Company, Inc	RF304–7901	03/02/93
Ringer Tri-State Oil Co., Inc	RF304–13602	
Atlantic Richfield Company/Tom Moore's Arco	RF304–13509	03/05/93
C.E. Anderson et al	RF272–90001	03/05/93
Clark Oil & Refining Corp./Gasamerica Services, Inc	RF342–194	03/05/93
Good Hope Refineries/Howard Oil Company, Inc	RF339–15	03/05/93
Exxon Company, USA	RF339–16	
Gulf Oil Corporation/S/S Gulf et al	RF300–14564	03/02/93
Gulf Oil Corporation/Wenham Transportation, Inc	RF300–12903	03/05/93
Muroc Joint Unified et al	RF272–79033	03/01/93
Roland B. Graves et al	RF272–90210	03/05/93
Shell Oil Company/Abrams Shell Service—Chuck's Shell	RF315–7857	03/04/93
Shell Oil Company/Lloyds Shell	RF315–10278	03/04/93
St. Mary's Ukrainian Catholic et al	RF272–90431	03/05/93
Texaco Inc./Berger's Texaco Service et al	RF321–58	03/01/93
Texaco Inc./Brown Derby Texaco et al	RF321–17844	03/04/93
Texaco Inc./El Capitan Texaco et al	RF321–1607	03/04/93
Texaco Inc./The Boswell Oil Company et al	RF321–13029	03/01/93
Texaco Inc./W.H. Lowery Texaco et al	RF321–5610	03/01/93
Texaco Inc./West Brothers Texaco et al	RF321–10867	03/04/93

Dismissals

The following submissions were dismissed:

Name	Case No.
American Lumber Company	RF324–55
Ardoin's Gulf	RF300–16152
Barnett's Grocery	RF300–16237
City of McGehee	RF272–87861
East Coloma School District 12.	RF272–80132
Martins Grocery	RF300–16477
Newark Gulf	RF300–14628
Pearl Oil Company	RF304–13474
Sam's Mini Mart	RF300–17319
Sigman's Gulf #2	RF300–13546
Sportsmen Center	RF300–17268
State Line Service, Inc	RF300–16583
State Line Service, Inc	RR300–225
Timberland Gulf	RF300–14988

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management:* Federal Energy *Guidelines,* a commercially published loose leaf reporter system.

Dated: April 13, 1993.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 93–9109 Filed 4–16–93; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–4609–7]

Public Water System Supervision Program; Program Revision for the State of Nevada

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of decision and opportunity for hearing.

SUMMARY: Notice is hereby given that the State of Nevada is revising its approved State Public Water System Supervision Program. Nevada has adopted a drinking water regulation which requires filtration and disinfection of surface water systems and of ground water systems influenced by surface water. The state regulation corresponds to a National Primary Drinking Water Regulation promulgated by EPA on June 29, 1989 (54 FR 27527). EPA has determined that the State program revision is no less stringent than the corresponding federal rule. Therefore, EPA has tentatively decided to approve the State program revision. Furthermore, EPA hereby ratifies all state filtration determinations that were made pursuant to the rule by the State of Nevada prior to this notice.

All interested parties are invited to request a public hearing on EPA's decision to approve the state program revision and the filtration determinations that have been made pursuant to the rule. A request for a

public hearing must be submitted by May 19, 1993 to the Regional Administrator at the address shown below. Insubstantial requests for a hearing may be denied by the Regional Administrator. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his/her own motion, this determination shall become effective May 19, 1993.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8:30 a.m. and 4 p.m., Monday through Friday, at the following offices: Bureau of Health Protection Services, 505 E. King St., Carson City, Nevada 89710; and EPA, Region IX, Water Management Division, Water Supply Section (W-6-1), 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: Corine Li, EPA, Region IX, at the San Francisco address given above or by telephone at (415) 744-1858.

(Sec. 1413 of the Safe Drinking Water Act as amended (1986); and 40 CFR 142.10 of the National Primary Drinking Water Regulations)

Dated: April 8, 1993.

John C. Wise,

Acting Regional Administrator.

[FR Doc. 93-9045 Filed 4-15-93; 8:45 am]

BILLING CODE 6560-50-P

[FRL-4615-2]

The Policy Integration Project of the National Advisory Council for Environmental Policy and Technology; Lead Subcommittee; Open Meetings May 5 and 19, 1993

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463) the Environmental Protection Agency gives notice of the location of two meetings of the Lead Subcommittee announced in the **Federal Register** on March 17, 1993. The first meeting, scheduled for May 5, 1993 from 8:30 a.m. to 5 p.m., will present an opportunity for the public to make 5 minute oral statements to the subcommittee and will be held at the Conference Center, ASAE Building, 1575 I Street NW., Washington, DC. The second meeting, to be held May 19 from 9 a.m. to 5 p.m. will be held at the Radisson Plaza Hotel at Mark Center, 5000 Seminary Road, Alexandria, VA.

The EPA announced the formation of the Policy Integration Project in the March 17 **Federal Register** and described its purpose and goals. In that notice, the EPA also described the general issue areas that the Lead Subcommittee would address. To clarify that statement of purpose, the Lead Subcommittee's mission is to examine how EPA can best operate in a coordinated public and private response to lead exposure. The Subcommittee will not address issues regarding the toxicological properties of lead, nor was it formed to make recommendations about specific standards formulated or being formulated by the EPA or other Federal Agencies. At the May 5 meeting, members of the public will have the opportunity to make 5-minute oral presentations. The Subcommittee is particularly interested in hearing oral presentations on the following topics: Moving from case identification to primary lead exposure prevention; abatement of lead-based paint hazards; populations at high risk of lead poisoning; abating occupational lead hazards; and research needed to prevent lead poisoning.

WRITTEN COMMENTS: Members of the public are invited to provide written comments for consideration by the Subcommittee. Written comments will be accepted by the Subcommittee up to May 5, however, the Subcommittee will be able to review written comments submitted before April 23 before the May 5 public meeting and ask questions at that meeting based on those written comments. Submit 20 copies of written statements to: Andrew Otis, EPA 5 public meeting and ask questions at that meeting based on those written comments. Submit 20 copies of written statements to: Andrew Otis, EPA Office of Policy, Planning, and Evaluation (PM-219), U.S. EPA, 401 M Street SW., Washington, DC 20460 (phone 202/260-4332). Copies of material provided to or developed by the Subcommittee may be obtained from Mr. Otis at the above address.

ORAL STATEMENTS: Members of the public are invited to make 5 minute oral statements at the May 5 meeting. To reserve a space on the agenda, persons wishing to make a brief oral presentation must contact Donna A. Fletcher, Designated Federal Official, Office of Cooperative Environmental Management (A101-F6), U.S. EPA, Washington, DC 20460 (phone 202/260-6883, fax 202/260-6882) no later than April 23. Speakers should provide 20 copies of a written statement to Ms. Fletcher at the time of the meeting for distribution to the members of the Subcommittee. Oral statements should supplement the written statements.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing further information concerning the meeting should contact either Mr. Otis or Ms. Fletcher at their respective phone numbers and addresses shown above.

Abby J. Pirnie,

NACEPT Designated Federal Official.

[FR Doc. 93-9048 Filed 4-16-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4615-1]

Annual Conference on Analysis of Pollutants in the Environment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of conference.

SUMMARY: The Office of Science and Technology will hold the "16th Annual EPA Conference on Analysis of Pollutants in the Environment" and the "Oil and Grease Workshop" to discuss all aspects of environmental measurement. The conference and workshop are open to the public.

DATES: The conference will be held on May 4-6, 1993, from 8:30 am to 4:45 pm. The workshop will be held on May 4, 1993 from 1 pm to 5 pm.

ADDRESSES: The meeting and workshop will be held at the Norfolk Marriott Waterside Hotel, 235 East Main Street, Norfolk, Virginia.

FOR FURTHER INFORMATION CONTACT: Conference arrangements are being coordinated by Ogden Environmental and Energy Services Company, Inc., an EPA contractor. For information on registration, hotel rates, transportation, social events and reservations call Ogden's Conference Service Line at (703) 246-0751. If you have technical questions regarding the conference program or workshop please contact William Telliard, Office of Science and Technology (WH-552), telephone (202) 260-7120, fax (202) 260-7185.

SUPPLEMENTARY INFORMATION: The conference is designed to bring together representatives of regulated industries, commercial environmental laboratories, state and Federal regulators, and environmental consultants and contractors to discuss all aspects of

environmental measurement with a particular focus on analytical methods and related regulatory issues. This year's conference will concentrate on the following topics: herbicides, dioxins, and PCBs, detection levels and laboratory accreditation, metals and organo-metallics, radiochemistry and drilling muds, unusual matrices, matrix interferences and sample collection, performance-based methods and pollutants in soil and groundwater, while the workshop will cover alternative solvents to Freon-113 for the determination of "oil and grease".

James A. Hanlon,

Acting Director, Office of Science and Technology.

[FR Doc. 93-9047 Filed 4-16-93; 8:45 am]

BILLING CODE 6560-50-M

[FRL-4614-2]

Public Water Supply Supervision Program Revision for the State of Mississippi

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given that the State of Mississippi is revising its approved State Public Water Supply Supervision Primacy Program. Mississippi has adopted drinking water regulations for Lead and Copper, and Phase II (IOCs/SOCs). EPA has determined that these sets of State program revisions are no less stringent than the corresponding federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties may request a public hearing. A request for a public hearing must be submitted May 19, 1993 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made May 19, 1993, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on his own motion, this determination shall become final and effective thirty (30) days after publication in the **Federal Register.**

Any request for a public hearing shall include the following:

(1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing;

(2) A brief statement of the requesting person's interest in the Regional Administrator's determination and a brief statement of the information that the requesting person intends to submit at such hearing;

(3) The signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Mississippi State Department of Health, Division of Water Supply, P.O. Box 1700, Jackson, Mississippi 39205.

Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT: Philip H. Vorsatz, EPA, Region IV Drinking Water Section at the Atlanta address given above or at (404) 347-2913.

(Sec. 1413 of the Safe Drinking Water Act, as amended (1986), and 40 CFR parts 141 and 142 of the National Primary Drinking Water Regulations)

Dated: March 3, 1993.

Patrick Tobin,

Acting Regional Administrator, EPA, Region IV.

[FR Doc. 93-8701 Filed 4-16-93; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Information Collection Submitted to OMB for Review

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Notice of information collection submitted to OMB for review and approval under the Paperwork Reduction Act of 1980.

SUMMARY: In accordance with requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the FDIC hereby gives notice that it has submitted to the Office of Management and Budget a request for OMB review for the information collection system described below .

Type of Review: Extension of expiration date without any change in substance or method of collection.

Title: Application pursuant to section 19 of the Federal Deposit Insurance Act.

Form Number: FDIC 6710/07.

OMB Number: 3064-0018.

Expiration Date of OMB Clearance: June 30, 1993.

Frequency of Response: On occasion.

Respondents: Insured depository institutions

Number of Respondents: 90.

Number of Responses Per Respondent: 1.

Total Annual Responses: 90.

Average Number of Hours Per Response: 16.

Total Annual Burden Hours: 1,440.

OMB Reviewer: Gary Waxman, (202) 395-7340, Office of Management and Budget, Paperwork Reduction Project (3064-0018), Washington, DC 20503.

FDIC Contact: Steven F. Hanft, (202) 898-3907, Office of the Executive Secretary, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429.

Comments: Comments on these collections of information are welcome and should be submitted before June 18, 1993.

ADDRESSES: A copy of the submission may be obtained by calling or writing the FDIC contact listed above. Comments regarding the submission should be addressed to both the OMB reviewer and the FDIC contact listed above.

SUPPLEMENTARY INFORMATION: The FDIC is requesting OMB approval to extend, for a three-year period, the use of Form FDIC 6710/07, Application Pursuant to section 19 of the Federal Deposit Insurance Act. The current clearance for the form expires on June 30, 1993. There is no change in the method or substance of the collection.

Section 19 of the FDIC Act (12 U.S.C. 1829) requires the FDIC's consent prior to any participation in the affairs of an insured depository institution by a person who has been convicted of crimes involving dishonesty or breach of trust. To obtain that consent, an insured depository institution must submit an application to the FDIC for approval on Form FDIC 6710/07.

Dated: April 13, 1993.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 93-9069 Filed 4-16-93; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR part 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarders, Federal Maritime Commission, Washington, DC 20573.

US–1 Cargo Express Inc., 13644 S.W. 142nd Ave., Miami, FL 33186, Officers: Eduard Jarman Quast, President, Deborah Ann Jeserun, Vice President

L & E International Services, Inc., 7660–B N.W. 186th Street, Miami, FL 33015, Officers: Lorena Gomez, President, Evelio Gomez, Vice President

Vantage International Shipping, Inc., 1922 Discovery Circle E., Deerfield Beach, FL 33064, Officers: Cheryl M. Clapperton, President, Ali K. Kain, Vice President

Tradewinds Freight Forwarding, Inc., 23316 112th Avenue S.E., Kent, WA 98031, Officers: Christine Erikson, President, Shawn Michael Erikson, Vice President

Birkart of America Inc. dba Leadway Container Line, JFK Int'l. Airport, Bldg. 75, Ste. 227A, Jamaica, NY 11430, Officers: Johann Birkart, Chairman/Director, Hans D. Birkart, Director, Dieter Mahlke, President, Fred F. Klueh, Treasurer

Port Cargo Service, Inc., 5200 Coffee Drive, New Orleans, LA 70115, Officers: Kevin M. Kelly, President, Kathy E. Purvis, Secretary, Samuel B. Haynes, Jr., Stockholder

Graebel Movers International, Inc., 7426 Alban Station Blvd., Ste. B–218, Springfield, VA 22150, Officers: David W. Graebel, Chairman/CEO/Treas./Dir., Benjamin D. Graebel, President, G. Lane Ware, Sen. V. Pres./Asst. Sec./Dir., John A. Gianakos, Sen. V. Pres. Fin./Asst. Sec., Mario Amato, Exec. V. Pres.

Complete Cargo Systems, Inc., 2600 N.W. 79th Avenue, Miami, FL 33122, Officers: Walter S. Price, President, Daniel Casale, Vice President, Alberto Cabrera, Vice President, Antonio R. Yunta, Dir. Freight Services, Manual A. Lescano, Vice President

Sea-Borne International Services, 10226 S.E. Long Street, Portland, OR 97266, Diana Jo Johnson, Sole Proprietor

Dated: April 13, 1993.

By the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 93–9015 Filed 4–16–93; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Columbia Banking System, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 13, 1993.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Columbia Banking System, Inc., Bellevue, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Columbia National Bankshares, Inc., Longview, Washington, and thereby indirectly acquire Columbia National Bank, Longview, Washington.

In addition, Applicant proposes to retain Columbia Savings Bank, a Federal Savings Bank, Bellevue, Washington, and Columbia First Service, Inc., Bellevue, Washington, and thereby engage in operating a thrift institution and engage in mortgage banking pursuant to §§ 225.25(b)(1) and (b)(9) of the Board's Regulation Y. These activities will be conducted in the State of Washington.

Board of Governors of the Federal Reserve System, April 13, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–9049 Filed 4–16–93; 8:45 am]

BILLING CODE 6210–01–F

First State Bancshares of DeKalb County, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than May 13, 1993.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First State Bancshares of DeKalb County, Inc., Fort Payne, Alabama; to become a bank holding company by acquiring 100 percent of the voting shares of First State Bank of DeKalb County, Fort Payne, Alabama.

Board of Governors of the Federal Reserve System, April 13, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–9050 Filed 4–16–93; 8:45 am]

BILLING CODE 6210–01–F

Norwest Corporation; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 13, 1993.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Blue Spirit Insurance, Inc., Phoenix, Arizona, and thereby engage in underwriting and reinsuring credit life and credit accident and health insurance in connection with extensions of credit made by all affiliates of Norwest Corporation pursuant to § 225.25(b)(8)(i); to acquire through its wholly owned subsidiary, Lincoln Agency, Inc., Phoenix, Arizona, the assets of Citicorp Agency Services, Inc., Phoenix, Arizona, and thereby engage in general insurance agency activities pursuant to § 22.525(b)(8)(vii) of the Board's Regulation Y; and to acquire through its wholly owned subsidiary, Norwest Investment Services, Inc., Minneapolis, Minnesota, the assets of the Personal Investments Unit of Citicorp Agency Services, Inc., Phoenix, Arizona, and thereby engage in full-service brokerage, private placement, limited underwriting, precious metal brokerage, riskless principal and leasing activities in Colorado through Norwest's subsidiary, Norwest Investment Services, Inc., pursuant to Board Order. *Norwest Corporation*, 76 Federal Reserve Bulletin 79 (1990).

Board of Governors of the Federal Reserve System, April 13, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–9051 Filed 4–16–93; 8:45 am]

BILLING CODE 6210–01–F

Randall N. Snyder and Peggy L. Snyder, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 10, 1993.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Randall N. Snyder and Peggy L. Snyder, Ballwin, Missouri; to acquire an additional 18.97 percent of the voting shares of The Hamilton Bank, Hamilton, Missouri, for a total of 37.95 percent.

2. Bob H. White and Betty M. White, Rangely, Colorado; to acquire 26.10 percent of the voting shares of RIMCO, Inc., Rangely, Colorado, and thereby indirectly acquire 95.09 percent of the voting shares of Bank of Rangely, Rangely, Colorado.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Bobby Max Ham, Crosbyton, Texas; to acquire an additional 6.67 percent of the voting shares of Citizens Bancshares, Inc., Crosbyton, Texas, for a total of 30.20 percent, and thereby indirectly acquire Citizens National Bank, Crosbyton, Texas.

2. Paul Gerard Heafy, Oklahoma City, Oklahoma; to acquire 50.32 percent of the voting shares of Parker County Bancshares, Inc., Weatherford, Texas, and thereby indirectly acquire First National Bank & Trust Company of Weatherford, Weatherford, Texas.

Board of Governors of the Federal Reserve System, April 13, 1993.

William W. Wiles,

Secretary of the Board.

[FR Doc. 93–9052 Filed 4–16–93; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Health Research Advisory Committee (MHRAC); Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Mine Health Research Advisory Committee (MHRAC).

Times and Dates: 8:30 a.m.–5 p.m., May 4, 1993. 8:30 a.m.–12 noon, May 5, 1993.

Place: Hotel Nikko Atlanta, New York Room, 3300 Peachtree Road, NE., Atlanta, Georgia 30305.

Status: Open to the public, limited only by the space available.

Purpose: The committee is charged with advising the Secretary of Health and Human Services on matters involving or relating to mine health research, including grants and contracts for such research. Additionally, the committee shall assess mine health research needs and advise on the conduct of mine health research.

Matters To Be Discussed: The agenda will include the NIOSH Director's remarks and charge to the committee; discussion of the MHRAC structure and function; a report of the Planning Subcommittee; an overview of NIOSH mine research; other federally supported

mine research; opportunities for future mine health research; NIOSH musculoskeletal research overview; a summary of recent analyses of NIOSH data on miners' health; silicosis prevention initiative; report on NIOSH sponsored workshop on chronic lung diseases of miners: surveillance and research needs; an update on the National Occupational Health Survey—Mining; legislative and policy update; and a discussion of future MHRAC activity priorities. Agenda items are subject to change as priorities dictate.

Contact Person for Additional Information: Gregory R. Wagner, M.D., Executive Secretary, Division of Respiratory Disease Studies, NIOSH, CDC, Mailstop 220, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505, telephone 304/291–4474.

Dated: April 13, 1993.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control and Prevention (CDC).

[FR Doc. 93–9155 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–19–M

Food and Drug Administration

[Docket No. 93F–0102]

Ciba-Geigy Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Ciba-Geigy Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the reaction product of 4,4′-isopropylidenediphenol-epichlorohydrin resin, 4,4′-isopropylidenediphenol bis[(2-glycidyloxy-3-*n*-butoxy)-1-propyl ether], and 4,4′-isopropylidenediphenol as a component of coatings for food-contact use.

FOR FURTHER INFORMATION CONTACT: Marvin D. Mack, Center for Food Safety and Applied Nutrition (HFS–216), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9511.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B4361) has been filed by Ciba-Geigy Corp., Seven Skyline Dr., Hawthorne, NY 10532–2188. The petition proposes to amend the food additive regulations in § 175.300 *Resinous and polymeric coatings* (21 CFR 175.300) to provide for the safe use of the reaction product of 4,4′-isopropylidenediphenol-epichlorohydrin resin, 4,4′-isopropylidenediphenol bis[(2-glycidyloxy-3-*n*-butoxy)-1-propyl ether], and 4,4′-isopropylidenediphenol as a component of coatings for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: April 2, 1993.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–9060 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 93G–0030]

ConAgra, Inc.; Withdrawal of GRAS Affirmation Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a petition (GRASP 3G0029) requesting that the agency affirm that chlorine gas in aqueous solution (up to 200 parts per million (ppm) available chlorine) for spraying hog, beef, and lamb carcasses during the cooler-chilling process is generally recognized as safe (GRAS). The petition was withdrawn by ConAgra, Inc. (previously Swift and Co.), which purchased the petition rights.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFS–217), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–254–9519.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 24, 1973 (38 FR 19852), FDA published a notice that a petition (GRASP 3G0029) had been filed by Swift and Co., 1919 Swift Dr., Oak Brook, IL 60521. This petition asked that the agency affirm that chlorine gas in aqueous solution (up to 200 ppm available chlorine) for spraying of hog, beef, and lamb carcasses during the cooler-chilling process is GRAS.

ConAgra, Inc., P.O. Box G, Greely, CO 80632–0350, which purchased the petition rights, has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: April 7, 1993.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 93–9062 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–01–F

[Docket No. 92M–0450]

INTERPORE International, Inc.; Premarket Approval of PRO OSTEON™ Implant 500 Coralline Hydroxyapatite Bone Void Filler

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by INTERPORE International, Inc., Irvine, CA, for premarket approval under the Medical Device Amendments of 1976, of the PRO OSTEON™ Implant 500 Coralline Hydroxyapatite Bone Void Filler. After reviewing the recommendation of the Orthopedic and Rehabilitation Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of October 29, 1992, of the approval of the application.

DATES: Petitions for administrative review by May 19, 1993.

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Nirmal K. Mishra, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1036.

SUPPLEMENTARY INFORMATION: On February 9, 1988, INTERPORE International, Inc., Irvine, CA 92714, submitted to CDRH an application for premarket approval of the PRO OSTEON™ Implant 500 Coralline Hydroxyapatite Bone Void Filler. The device is indicated for the repair of acute metaphyseal fracture defects, and it is to be used in conjunction with rigid internal fixation as dictated by the clinical use requirements in skeletally mature individuals when there is no autogenous bone donor site available. The PRO OSTEON™ Implant 500

should not be used in defects larger than 30 cubic centimeters.

On June 6, 1989, the Orthopedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee, an FDA advisory committee, reviewed and recommended approval of the application. On October 29, 1992, CDRH approved the application by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH; contact Nirmal K. Mishra (HFZ–417) (address above).

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR part 25) that was published in the **Federal Register** of April 26, 1985 (50 FR 16636) and was effective July 25, 1985.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 19, 1993, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).

Dated: April 9, 1993.

Elizabeth D. Jacobson,

Deputy Director for Science, Center for Devices and Radiological Health.

[FR Doc. 93–9059 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS. The Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information in compliance with the Paperwork Reduction Act (Public Law 96–511).

1. *Type of Request:* Extension; *Title of Information Collection:* End Stage Renal Disease (ESRD) Facility Survey; *Form No.:* HCFA–2744; *Use:* This form is completed annually by all Medicare-approved ESRD facilities. The form is designed to collect information concerning treatment trends, utilization of services and patterns of practice in treating ESRD patients; *Frequency:* Annually; *Respondents:* Business or other for profit; *Estimated Number of Responses:* 2,400; *Average Hours per Response:* 1.5; *Total Estimated Burden Hours:* 3,600.

2. *Type of Request:* Reinstatement; *Title of Information Collection:* Municipal Health Services Cost Report Form; *Form No.:* HCFA–255; *Use:* In order to determine the cost of the clinical services being provided, it is necessary to determine the direct and indirect costs incurred by the participating clinics for the routine and ancillary cost centers. This form is being used to report the costs to the participating clinics providing the covered services, as well as gather data to evaluate the demonstration; *Frequency:* Annually; *Respondents:* State or local governments; *Estimated Number of Responses:* 15; *Average hours per Response:* 34; *Total Estimated Burden Hours:* 510.

3. *Type of Request:* Extension; *Title of Information Collection:* Advance Directives; *Form No.:* HCFA–R–10; *Use:* Medicaid providers and organizations are responsible for collecting and documenting in the medical record whether or not an individual has executed an advance directive. This advance directive states the individual's preference for health care in the event the individual is unable to do so; *Frequency:* On Occasion; *Respondents:* Individuals or households; *Estimated Number of Responses:* 32,800; *Average Hours per Response:* 22.9; *Total Estimated Burden Hours:* 750,000.

4. *Type of Request:* Reinstatement; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments; *Form No.:* HCFA–R–21; *Use:* Medicaid providers who have received overpayments may terminate or substantially reduce their participation in Medicaid to avoid the State's effort to recover the amounts due. This provision establishes a mechanism for State agencies to recoup the overpayment by withholding Medicare payments to these providers; *Frequency:* On Occasion; *Respondents:* State and local governments; *Estimated Number of Responses:* 27; *Average Hours per Response:* 3; *Total Estimated Burden Hours:* 81.

5. *Type of Request:* Reinstatement: *Title of Information Collection:* Home Office Cost Statement; *Form No.:* HCFA–287; *Use:* Medicare Law permits component of the chain. The Home Office Cost Statement is required by the fiscal intermediary to verify home office costs claimed by the components; *Frequency:* Annually; *Respondents:* Small businesses, businesses, or other for profit, nonprofit institutions; *Estimated Number of Responses:* 1,231; *Average Hours per Response:* 328

(reporting); and 138 (recordkeeping); *Total Estimated Burden Hours:* 573,646.

6. *Type of Request:* Reinstatement; *Title of Information Collection:* Statistical Report on Medical Care: Eligibles, Recipients, Payments and Services; *Form No.:* HCFA–2082; *Use:* The data reported on this form are the basis of actuarial forecasts for Medicaid services utilization and costs of analyses and cost savings estimates required for legislative initiatives relating to Medicaid and for responding to requests for information from HCFA components, the Department, the press and the Congress; *Frequency:* Quarterly; *Respondents:* State or local governments; *Estimated Number of Responses:* 54; *Average Hours per Response:* 101.41; *Total Estimated Burden Hours:* 21,905.

Additional Information or Comments: Call the Reports Clearance Office on 410–966–5536 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address: OMB Reports Management Branch, Attention: Allison Edyt, New Executive Office Building, room 3208, Washington, DC 20503.

Dated: April 12, 1993.

William Toby, Jr.,

Acting Deputy Administrator, Health Care Financing Administration.

[FR Doc. 93–9076 Filed 4–16–93; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Program Announcement, Statutory Funding Preferences, Proposed Funding Priority and Special Consideration for Grants for Establishment of Departments of Family Medicine

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1993 Grants for Establishment of Departments of Family Medicine are being accepted under the authority of section 747(b), (previously section 780) of the Public Health Service (PHS) Act, title VII, as amended by the Health Professions Education Extension Amendments of 1992, Title I, Pub. L. 102–408, dated October 13, 1992. Comments are invited on the proposed funding priority and special consideration stated below.

Public Law 102–408 makes the following revisions to this program. Section 780 has been renumbered section 747(b) of the PHS Act. This authority has been combined with the authority for section 747(a), Grants for Graduate Training in Family Medicine, Grants for Faculty Development in Family Medicine and Grants for Predoctoral Training in Family Medicine. Two statutory funding preferences have been established for this program and are outlined below.

Purpose

Section 747(b) of the PHS Act authorizes support to schools of medicine and osteopathic medicine to meet the costs of projects to establish, maintain, or improve family medicine academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in family medicine. Funds awarded will be used to: (1) plan and develop model educational predoctoral, faculty development and graduate medical education programs in family medicine which will meet the requirements of section 747(a), by the end of the project period of section 747(b) support; and (2) support academic and clinical activities relevant to the field of family medicine.

The program may also assist schools to strengthen the administrative base and structure that is responsible for the planning, direction, organization, coordination, and evaluation of all undergraduate and graduate family medicine activities. Funds are to complement rather than duplicate programmatic activities for actual operation of family medicine training programs under section 747(a).

In fiscal year 1993, approximately $7.6 million will be available for this program. Of this amount, $5.2 million is committed for continuation projects. Approximately $2.4 million will be available to support 15 competing awards averaging $160,000. This funding is for the first budget year of a project period. Funding for subsequent years will depend on the availability of appropriated funds and satisfactory progress of the project.

Previous Funding Experience

Previous funding experience is provided to assist potential applicants to make better informed decisions regarding submission of an application for this program.

In FY 1992, HRSA reviewed 71 competing applications for Grants for Departments of Family Medicine. Of those applications, 66 percent were approved and 34 percent were not recommended for further consideration. Thirty-six projects, or about 50 percent of the applications received, were funded.

In FY 1991, HRSA reviewed 47 competing applications. Of those applications, 64 percent were approved and 36 percent were not recommended for further consideration. Seventeen projects, or 36 percent of the applications received, were funded.

Eligibility

To be eligible to receive support for this grant program, the applicant must be a public, or nonprofit private, accredited school of medicine or osteopathic medicine.

To receive support, programs must meet the requirements of final regulations as set forth in 42 CFR part 57, subpart R.

The period of Federal support will not exceed 5 years.

National Health Objectives for the Year 2000

The Public Health Service urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report; Stock No. 017–001–00474–0 or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service education programs and programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The degree to which the proposed project adequately provides for the project requirements in section 57.1704;
2. The administrative and management capability of the applicant to carry out the proposed project in a cost effective manner;
3. The qualifications of the proposed staff and faculty of the unit; and
4. The potential of the project to continue on a self-sustaining basis.

Other Considerations

In addition, the following funding factors may be applied in determining funding of approved applications.

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications.

A funding priority is defined as a favorable adjustment of aggregate review

scores of individual approved applications when applications meet specified criteria.

Special consideration is defined as the enhancement of priority scores by merit reviewers based on the extent to which applications address special areas of concern.

It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Statutory Funding Preferences

Pub. L. 102–408 has amended section 747(b), (previously section 780) to include the following two statutory funding preferences which are new for this program.

1. Establishment and Expansion

Section 747(b)(2) provides that preference shall be given to any qualified applicant that agrees to expend the award for one of the following purposes:

(a) establishing an academic administrative unit (defined as a department, division, or other unit), for programs in family medicine; or

(b) substantially expanding the programs of such a unit.

A program will meet the definition of "substantial expansion" if it has developed an acceptable plan for a 50 percent increase in a sufficient number of the following areas to qualify for 70 points. The expansion must be completed within 3 years.

	Points
(1) Required 3rd Year Clerkship	30
(2) Required Preceptorship	20
(3) Family Medicine Research	10
(4) Expansion of Faculty	10
(5) Faculty Development Program for Community Based Faculty	10
(6) Family Medicine Faculty Represented on Medical School Standing Committees of Admissions or Curriculum	10
(7) Family Medicine Faculty Represented on Dean's Executive Committee or Tenure Committee	10

More detail on each of these areas will be provided in the program application materials.

2. Graduates Serving Residents of Medically Underserved Communities

Section 791(a) of the Public Health Service Act, as amended by the Health Professions Education Extension Amendments of 1992, provides for the following funding preference which is applicable to programs under section 747:

Statutory preference will be given to qualified applicants that: (1) have a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (2) have achieved, during the 2-year period preceding the fiscal year for which such an award is sought, a significant increase in the rate of placing graduates in such settings.

This preference will only be applied to applications that rank above the 20th percentile of applications that have been recommended for approval by peer review groups under section 798(a) of the PHS Act, as amended.

Additional information concerning the implementation of this preference has been published in the **Federal Register** at 58 FR 9570, dated February 22, 1993.

Information Requirements Provision

Under section 791(b) of the Act, the Secretary may make an award under the Grants for the Establishment of Departments of Family Medicine program only if the applicant for the award submits to the Secretary information regarding the programs of the applicant. These requirements will be provided in the application materials.

Established Nonstatutory Funding Priority for FY 1993

The following funding priority, which was established in the **Federal Register** in FY 1992 after public comment (57 FR 11326) dated April 2, 1992, is being continued in FY 1993:

A funding priority will be given to applicants that document that 20 percent or more of the previous medical school graduating class, or of the combined last three graduating classes, entered accredited family medicine residency training programs or internship training programs in osteopathic medicine which emphasize family medicine and are approved by the American Osteopathic Association.

Proposed Funding Priority for FY 1993

In addition, the following funding priority is proposed for FY 1993:

A funding priority will be given to applicants that demonstrate either substantial progress over the last 3 years or a significant experience of 10 or more years in influencing graduates from those minority or low-income populations identified as at risk of poor health outcomes to enter family medicine residency training.

This priority is consistent with a HRSA strategy to increase the number of health professionals from minority and other at-risk populations, to assure equal access to health professions education for all population groups, and ultimately, to provide a greater volume of health care in underserved areas.

Proposed Special Consideration

Special consideration will be given to the extent to which applicants enroll and graduate students from underserved areas.

This special consideration is intended to recognize programs that enroll and graduate trainees from underserved areas because health professionals who come from underserved areas are more likely to return there upon completion of training to provide needed health services.

Additional Information

Interested persons are invited to comment on the proposed funding priority and special consideration. All comments received on or before May 19, 1993 will be considered before the final funding priority and special consideration are established.

Written comments should be addressed to: Marc L. Rivo, M.D., M.P.H., Director, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, Parklawn Building, Room 4C–25, Rockville, MD 20857.

All comments received will be available for public inspection and copying at the Division of Medicine, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5:00 p.m.

Application Requests

Requests for application materials and questions regarding grants policy and business management issues should be directed to: Mrs. Judy Bowen, Grants Management Specialist (D–32), Residency and Advanced Grants Section, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 8C–26, 5600 Fishers Lane, Rockville, MD 20857. Telephone: (301) 443–6960; FAX: (301) 443–6343.

Completed applications should be returned to the Grants Management Office at the above address.

Questions regarding programmatic information should be directed to: Ms. Shelby Biedenkapp, Program Specialist, Resources Development Section, PCMEB, Division of Medicine, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, Room 4C–04, 5600 Fishers Lane, Rockville, MD 20857. Telephone: (301) 443–3614; FAX: (301) 443–8890.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of applications is May 28, 1993. Applications shall be considered as meeting the deadline if they are either:

(1) *Received* on or before the deadline date, or

(2) *Postmarked* on or before the deadline and received in time for submission to the independent review group. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

This program is listed at 93.984 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100).

This program is not subject to the Public Health System Reporting Requirements.

Dated: March 22, 1993.

[FR Doc. 93–9068 Filed 4–16–93; 8:45 am]
BILLING CODE 4160–15–P

Program Announcement and Proposed Funding Priority for Grants for Nurse Anesthetist Education Programs for Fiscal Year 1993

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1993 Grants for Nurse Anesthetist Education Programs under the authority of section 831(a), title VIII of the Public Health Service Act, as amended by the Nurse Education and Practice Improvement Amendments of 1992, title II of the Health Professions Education Extension Amendments of 1992, Pub. L. 102–408, dated October 13, 1992. Comments are invited on the proposed funding priority.

Approximately $1,700,348 will be available in FY 1993 for this program. Total continuation support recommended is $728,348. It is anticipated that $972,000 will be available to support 6 competing awards averaging $162,000.

Previous Funding Experience

Previous funding experience information is provided to assist potential applicants to make better informed decisions regarding submission of an application for this program. In FY 1992, HRSA reviewed 3 applications for Grants for Nurse Anesthetist Education Programs. Of those applications, 67percent were approved and 33 percent were disapproved. Two projects, or 67 percent of the applications received, were funded. In FY 1991, HRSA reviewed 8 applications for Grants for Nurse Anesthetist Education Programs. Of those applications, 50 percent were approved and 50 percent were disapproved. Four projects, or 50 percent of the applications received, were funded.

Purpose

Section 831(a) of the Public Health Service Act authorizes the Secretary to make grants to cover the costs of projects to develop and operate programs for the education of nurse anesthetists. The period of Federal support should not exceed 3 years.

Eligibility

Eligible applicants for Grants for Nurse Anesthetist Education Programs are public or private nonprofit institutions, accredited by an entity or entities designated by the Secretary of Education. Grants may be awarded to develop and operate a new nurse anesthetist program. Grants may also be awarded to maintain or expand an existing program.

National Health Objectives for the Year 2000

The Public Health Service urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report; Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone 202–783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service education programs and programs which provide comprehensive primary care services to the underserved.

Review Criteria

The review of applications will take into consideration the following criteria:

1. The national or special local need which the particular project proposes to serve with special emphasis on meeting shortages in underserved areas;
2. The potential effectiveness and impact of the proposed project including its potential contribution to nursing;
3. The administrative and managerial capability of the applicant to carry out the proposed project;
4. The appropriateness of the plan, including the timetable for carrying out the activities of the proposed project and achieving and measuring the project's stated objectives;
5. The capability of the applicant to carry out the proposed project;
6. The reasonableness of the budget for the proposed project, including the justification of the grant funds requested; and
7. The potential of the nurse anesthetist program to continue on a self-sustaining basis after the period of grant support.

Other Considerations

In addition, the following funding factors may be applied in determining funding of approved applications.

A funding preference is defined as the funding of a specific category or group of approved applications ahead of other categories or groups of approved applications.

A funding priority is defined as the favorable adjustment of aggregate review scores of individual approved applications when applications meet specified criteria.

It is not required that applicants request consideration for a funding factor. Applications which do not request consideration for funding factors will be reviewed and given full consideration for funding.

Statutory Funding Preference

In making awards of grants under this section, preference will be given to any qualified applicant that—(A) has a high rate for placing graduates in practice settings having the principal focus of serving residents of medically underserved communities; or (B) during the 2-year period preceding the fiscal year for which such an award is sought, has achieved a significant increase in the rate of placing graduates in such settings. Preference will be given only for applications ranked above the 20th percentile of applications that have been recommended for approval by the appropriate peer review group.

Additional details about the implementation of this preference were published in the **Federal Register** on February 22, 1993 (58 FR 9570).

Proposed Funding Priority

A funding priority will be given to programs which demonstrate either substantial progress over the last 3 years or a significant experience of 10 or more years in enrolling and graduating students from those minority or low-income populations identified as at-risk of poor health outcomes. This priority is consistent with a HRSA strategy to increase the number of health professionals from minority and other at-risk populations, to assure equal access to health professions education for all population groups, and ultimately, to provide a greater volume of health care in underserved areas.

Additional Information

Interested persons are invited to comment on the proposed funding priority. The comment period is 30 days. All comments received on or before May 19, 1993 will be considered before the final funding priority is established. Written comments should be addressed to: Marla Salmon, ScD, RN, FAAN, Director, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 9–35, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Nursing, Bureau of Health Professions, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Application Requests

Requests for application materials and questions regarding grants policy and business management issues should be directed to: Sandra Bryant (A–22), Grants Management Specialist, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 8C–26, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6915, FAX: (301) 443–6343.

Completed applications should be returned to the Grants Management Branch at the above address.

If additional programmatic information is needed, please contact: Mary S. Hill, R.N., Ph.D., Chief, Nursing Education Practice Resources Branch, Division of Nursing, Bureau of Health Professions, Health Resources and Services Administration, Parklawn Building, room 9–35, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–6193, FAX: (301) 443–8586.

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, General Instructions and supplement for this program have been approved by the Office of Management and Budget under the Paperwork Reduction Act. The OMB Clearance Number is 0915–0060.

The deadline date for receipt of applications is June 11, 1993. Applications will be considered to be "on time" if they are either:

(1) *Received on or before* the established deadline date, or

(2) *Sent on or before* the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

This program, Grants for Nurse Anesthetist Education Programs, is listed at 93.916 in the *Catalog of Federal Domestic Assistance.* It is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is not subject to the Public Health System Reporting Requirements.

Dated: March 19, 1993.

Robert G. Harmon, M.D., M.P.H.

Administrator.

[FR Doc. 93–9067 Filed 4–16–93; 8:45 am]

BILLING CODE 4160–15–P

Substance Abuse and Mental Health Services Administration

Model Comprehensive Substance Abuse Treatment Programs for Correctional Populations

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of availability of funds.

INTRODUCTION: The Center for Substance Abuse Treatment (CSAT) is announcing a continuation of its program to expand the availability of high quality treatment and rehabilitative services for incarcerated individuals who suffer from serious alcohol and drug problems. The purpose of this program is to improve treatment outcomes for correctional populations, specifically: adult males and females and adolescents with serious substance abuse (hereinafter substance abuse includes alcohol and other drug abuse) problems who are incarcerated in state correctional systems, state juvenile facilities, or regional correctional facilities.

In response to the critical and growing substance abuse treatment needs of criminal justice populations, and building upon prior initiatives of the Bureau of Justice Assistance and the Office for Treatment Improvement (CSAT's predecessor agency), CSAT will assist States with the development and implementation of a range of treatment options for individuals in correctional settings so as to ensure: (1) linkage and integration of State and sub-state planning efforts (e.g., coordination of treatment services between/within State, County, cities, and substate agencies) to expand treatment and rehabilitative services for correctional populations; and (2) expansion and/or creation of state-of-the-art treatment for various correctional populations which will serve as prototypes for improving correctional treatment and rehabilitative practices throughout the Nation.

Priority under this PA will be given to projects that offer a continuum of offender management services as individuals enter, proceed through, and leave the criminal justice system. Services should include screening and assessment, substance abuse treatment, pre-release counseling and pre-release referrals with respect to housing, employment and treatment. As appropriate to the correctional setting, comprehensive treatment services for juvenile and female offenders should be available.

Projects seeking funding for substance abuse treatment services for Non-incarcerated offenders can apply under Program Announcement No. AS–93–06

It is estimated that approximately $12.5 million will be available to support approximately 17–25 awards to projects under this program announcement in FY 1993. It is estimated that approximately 50 percent of the available funds will be allocated for projects in State Correctional facilities ($7 million) with the remainder of the funds supporting projects for Incarcerated Female Offenders, State Juvenile Facilities, and Regional Correctional Facilities. The actual number of awards and the average size of each award will depend upon the availability of funds, the merit of proposals, and the award criteria. Approximately 15 percent of available funds will be allocated to support competitive renewals.

For new projects, support may be requested for a project period of up to

3 years. Annual awards for continuation of projects after the first year will be subject to availability of funds and progress achieved. Current grantees submitting proposals for competing renewals may request support for up to 2 additional years. No grantee may receive more than five years of support under this or any previous CSAT (or OTI) announcement.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national public health initiative. This Program Announcement is related to the Healthy People 2000 objectives established for prevention and treatment of Alcohol and Other Drug Abuse (Chapter 4) and HIV Infection (Chapter 18). Potential applicants may obtain a copy of Healthy People 2000 (Full Report): Stock No. 017–001–00474–0; or Summary Report: Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone: 202–783–3238).

RECEIPT DATES: The deadline for the initial receipt of applications is July 6, 1993. Thereafter, applications will be received two times per year on January 10, and May 10. Applications must be received at the address below on or before the deadline dates.

However, an application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date is not later than one week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to Monday; if the

CONSEQUENCES OF LATE SUBMISSION: Applications received after the specified receipt dates are subject to assignment to the next review cycle or may be returned to the applicant without review.

Applicants are advised that use of the above receipt dates may vary somewhat between fiscal years, depending on availability of funds. Accordingly, after FY 1993, CSAT will annually publish a notice of availability of funds and statement of applicable receipt dates, as well as the receipt point, for this program. Applicants are strongly encouraged to ascertain such information before preparing and submitting applications.

ADDRESSES: Grant application kits (including Form PHS 5161–1, with Standard Form 424, complete application procedures, and a program narrative approved under OMB No. 0937–0189) may be obtained from: United Information Systems, 3026 Tower Oaks Blvd., 4th Floor, Rockville, MD 20852, telephone number 301–984–4222.

Applicants must submit: (1) An original copy signed by the authorized official of the applicant organization, with the appropriate appendices; and (2) two additional, legible copies of the application and all appendices to the same address as above Attn: Model Comprehensive Substance Abuse Treatment Programs for Correctional Populations.

CONTACTS FOR ADDITIONAL INFORMATION:

Questions concerning program issues may be directed to: Criminal Justice Systems Branch, Center for Substance Abuse Treatment, Rockwall II Building, 10th floor, 5600 Fishers Lane, Rockville, MD 20857, (301) 443–6533.

Questions regarding grants management issues may be directed to: Christine Chen, Grants Management Officer, Center for Substance Abuse Treatment, Rockwall II Building, 10th floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443–9665.

SUPPLEMENTARY INFORMATION:

Program Goals

The goals of this program are to: (1) Expand and enhance substance abuse treatment that build on state-of-the-art scientific and practical knowledge in order to maximize retention in treatment and improve treatment outcomes for correctional populations; (2) develop documented models of service delivery and case management that can be replicated in other correctional systems; and (3) foster the linkage and integration of State and substate planning efforts (e.g., coordination of treatment services between/within State, County, cities, and substate agencies) to expand treatment and (re)habilitative services for correctional populations.

Available research indicates that addiction is a complex, chronic disorder and that treatment outcome is improved when providers offer a sustained continuum of culturally-relevant therapeutic services designed to address each individual's biological, psychological, social, and socio-economic needs.

Improved treatment outcomes for correctional populations are defined to include: Reduced alcohol and drug use; increased rates of legal employment; reduced rates of criminal activity and lower rates of involvement with the criminal and juvenile justice systems; reduced rates of violent acts (whether criminal or not); reduction of high-risk behaviors associated with the spread of the HIV/AIDS; improved overall health; improved psychological and psychiatric health; and, improved social functioning.

Program Requirements

CSAT will fund a variety of enhancement and expansion projects provided they are consistent with: (1) The program goals defined in this announcement; and (2) State planning priorities as demonstrated in existing Statewide Alcohol and Drug Abuse Treatment Plans and State Correctional Treatment Plans. Applicants proposing projects in State adult and juvenile corrections facilities must submit copies of applicable portions of the Statewide Alcohol and Drug Abuse Treatment Plan, the Criminal Justice Plan, and the State Correctional Treatment Plan.

For States that lack complete Statewide Treatment and Correctional Treatment plans, the State application must include a statement of intent to complete these plans during the first year of project implementation and applicants are encouraged to request financial and technical support for this purpose as one component of the State application.

For all applicants and providers proposing projects, eligible activities are limited to those that have a direct bearing on treatment and (re)habilitation of correctional populations. Grant funds may not be requested to enhance security measures or routine administrative functions of jails, prisons or other correctional facilities.

Each project proposal must include a needs assessment that concisely identifies the characteristics of the target population which is to be the focus of the proposed project (e.g., gender, age, race and ethnicity, socio-economic factors/history, degree of psychopathology, social dysfunction, criminal case profile). Project proposals must illustrate how existing services, along with proposed improvements and/or enhancements, will serve the complex and varied needs of the target population(s) in a manner that will result in improved treatment outcomes. Proposed projects and related programming should specifically address the needs of alcohol and drug-involved individuals who are members of racial and ethnic minority groups (as appropriate).

All project proposals must include internal quality assurance and evaluation components. All projects that receive grant support under this announcement will be required to participate in one or more levels of the CSAT-sponsored national Treatment Improvement Evaluation Study.

Eligibility Requirements

Applicants

In keeping with its practice of working closely with the States to ensure coordination between State and Federal funding efforts, only States and Indian Tribal Authorities are eligible to apply for funding under this announcement.[1] For States, the Single State Agency for alcohol and drug abuse (SSA) is considered to be the applicant, and must apply in concert with the relevant State Corrections Agency, or State Juvenile Corrections Agency or Youth Authority (as appropriate). The Governor of the State may specifically designate an alternate State agency to be the applicant. In any such case where an agency other than the SSA applies, the Governor's specific designation must be forwarded with the application. State applications for funding must include a cover letter, jointly signed by the Director of the SSA and the Director of the State Corrections agency and/or Juvenile Justice Agency, certifying that proposed projects included in the State's application are consistent with the existing State substance abuse treatment plans and with established objectives of the State criminal or juvenile justice system(s) (as appropriate).

Provider Eligibility

Projects may be proposed by governmental units, or public or private, non-profit entities proposing treatment improvement or enhancement projects in State correctional systems, state juvenile facilities, or regional (multi-County) correctional facilities.

Because of limited Federal resources, support for treatment services in metropolitan jails will be limited under this announcement. Funds for projects in metropolitan jails where substance abuse treatment needs are at crisis levels will be available under CSAT's Cooperative Agreements for Model Substance Abuse Treatment Systems in Target Cities (CSAT 93–07).

State applications for funding must include a cover letter from the Director of the SSA listing all provider proposals included in the State's application. In addition, a copy of this letter must be included in each provider proposal.

[1] For purposes of this announcement, "State" is defined as the fifty States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the successor States to the Trust Territory of the Pacific Islands (the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). Indian Tribal Authorities are defined to include the Authorities of all Federally recognized Indian Nations.

Projects must be jointly conceived and managed by a consortium of criminal justice agencies and substance abuse treatment agencies. Signed formal agreements between addiction treatment providers, judicial authorities, court or other supervision agencies, and (for programs supporting services for individuals with coexisting mental and addictive disorders) mental health service providers, must be contained in each provider proposal. A signed formal interagency agreement between appropriate participant agencies should be included in each provider.

Each project proposal must also include a copy of the letter from the Director of the Single State Agency for alcohol and drug abuse, certifying the project's consistency with existing Statewide Prevention and Treatment Plans, as well as Existing State Correctional Treatment plans.

Prior Experience

Each proposal must provide evidence that one or more members of the consortium has the capability to implement the proposed project. Providers can demonstrate capability to perform by providing evidence that one or more agencies participating in the project consortium has:

(1) Provided substance abuse treatment services to the target population for a minimum of two years prior to application, or;

(2) Is licensed or accredited to provide substance abuse treatment services or related services (e.g. primary health care) by appropriate certification or credentialing bodies where required; or

(3) Has at its disposal, an infrastructure (e.g., facilities, qualified staff) upon which to build a treatment program for the target population in the identified service area (particularly applicable to programs in rural areas).

The SSA or Indian Tribal Authority must provide documentation substantiating that the proposed project satisfies both of the aforementioned criteria. Documentation must be in the form of a letter from the SSA or Indian Tribal Authority, certifying: (1) The number of years the provider proposing the project has been providing substance abuse treatment to target populations(s); and/or (2) the provider's licensure status (addiction treatment, primary health care facility, mental health care facility, etc); and/or (3) the existence of a program base and/or sufficient facilities and human resources within the provider's service area upon which to build the proposed project.

Note:—Projects which receive awards and who operate in State jurisdictions that offer licensure to correctional facilities will be expected to obtain licensure within two years of award.

Competing Renewals

Grantees presently operating in the third and final year of grants awarded in 1990 under the Office for Treatment Improvement's demonstration program for non-incarcerated offenders are eligible to apply for competing renewals under this announcement for up to two additional years of funding. These proposals (hereafter referred to as competing renewals) will be subject to review and award criteria that differ from those applicable to new proposals (see **Review** and **Award Criteria**).

Target Populations

Each project proposal must be designed to address the treatment and (re)habilitation needs of one of the target populations described below. Each proposed project will be screened and reviewed according to one of the following designated categories:

State Correctional Populations

This population group includes adult offenders sentenced to State correctional facilities who have a documented history of substance abuse which directly or indirectly relates to their criminal behavior. Chronic drug abusers (using drugs 3–7 days per week) exhibit the highest rate of criminal activity, including violent crime (e.g., robberies, and assaults) and should be the primary target group among this population.

Incarcerated Female Offenders

This population group includes female offenders in any correctional settings (prisons, regional facilities, jails), and may include pregnant and postpartum women, their infants and children, as appropriate. All projects that address the needs of female offenders should be submitted under this category regardless of setting (prison, regional facility, jail) or age (adult or juvenile).

State Juvenile Justice Populations

This population includes juveniles and young adults, aged 10–22, who are held in state juvenile detention or youth authority facilities and who are chronic substance abusers, or at high risk for the consequences of sustained substance abuse. This group includes juveniles at high risk for early death due to suicide, homicide, or accidents directly related to intoxication, overdose, and HIV, Tb, or hepatitis B infection. Typically included in this population are substance abusing juveniles who are also: members of racial or ethnic minority groups; diagnosed as suffering

from mental illness or conduct disorders; homeless or runaways; and victims of child abuse.

Regional Correctional Populations

This population includes inmates who are chronic substance abusers and incarcerated in regional correctional facilities. Regional facilities are defined as facilities jointly financed by two or more separate governmental bodies (e.g., counties and/or cities), and encompassing more than one geographical jurisdiction. Eligible facilities may house both pre-trial and/or sentenced offenders. These populations are considered to be at high risk for the consequences of sustained substance abuse, including homicide, accidents related to intoxication, overdose, and HIV, Tb or hepatitis B infections. Typically included in this population are substance abusing offenders who are also: Members of racial or ethnic minority groups; dually diagnosed with co-existing mental illness or anti-social personality disorder; prone to loss of control in stressful situations, assaults and violence; school dropouts, learning disabled, or functionally illiterate; and lacking in job skills, with limited periods of employment.

Review Criteria

Applications submitted in response to this Program Announcement will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants.

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts.

The five criteria that will be used in assessing technical merit of individual applications submitted under this announcement, and the relative weight assigned to each criterion, are as follows:

1. Proof of Need—25%

- Extent to which demand for treatment on the part of high risk substance abusers exceeds existing capacity within the institution.
- Evidence that the target population is vulnerable to the spread of addiction-related diseases, including the HIV/AIDS, Tb, and sexually transmitted diseases, in absence of effective treatment.

2. Relevance/Adequacy of Program Design—25%

- Appropriateness and effectiveness of proposed approach to grant program goals, and extent to which approach builds on previous findings from intervention efforts funded by OTI, Bureau of Justice Assistance (BJA), NIDA, NIAAA and NIMH.
- Extent to which program goals are achievable and realistic.
- Extent to which proposed treatment and behavioral modification activities, together with existing services, are likely to contribute to reductions in drug use and recidivism, or a decrease in the spread of HIV, STDs, and Tb among the target population and their contacts.
- Relevance proposed program and competency of proposed staff to age, gender, and racial/ethnic/cultural factors of the target population.

3. Resources and Management—20%

- Evidence of organizational capability and adequate facilities.
- Logic and feasibility of the management plan, including the predicted or estimated numbers of inmates who will be treated.
- Qualifications/experience of the proposed project director, staff, and consultants; adequacy of the staffing plan.

4. Budget—15%

- Reasonableness/appropriateness of budget breakouts.
- Clear and reasonable justification for each line item in the treatment, behavioral modification, evaluation, and program management components.

5. Program Evaluation—15%

- Clarity/feasibility/appropriateness of proposed process evaluation design and methodology.
- Extent to which proposed staff demonstrate evaluation expertise.
- Relevance of the proposed evaluation design to the age, gender and racial/ethnic/cultural characteristics of the target population.

Competing Renewals

For competing renewals, 50 percent of the total priority score will be based on the review criteria listed above and 50 percent of the total priority score will be based upon the three review criteria below (the two scores will be averaged):

1. Performance—50%

- Documented progress towards achieving goals and objectives as specified in original grant proposal as measured by quarterly reports, annual reports, site visits.
- Cost-effectiveness, number of clients served annually, and the comprehensiveness of service delivery model.
- Process and outcome evaluation results.

2. National Model—30%

- Potential for program to serve as a national model and training site.
- Documentation of program to facilitate replication in other jurisdictions.

3. Future Funding—20%

- Potential for funding (state, local, private) after federal support expires.

Award Decision Criteria

Applications recommended for approval by the Initial Review Group and the appropriate advisory council, if in place, will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

(1) Relevance of the project to CSAT program priorities.

(2) Reasonable geographic distribution of awards throughout the United States.

(3) The extent to which the proposed project is consistent with existing State-wide Treatment, Prevention, and Criminal Justice Improvement plans.

(4) Need in the provider jurisdiction, as demonstrated by Centers for Disease Control AIDS and TB incidence data, Drug Abuse Warning Network (DAWN) and DUF statistics, and/or other available indicators of morbidity and mortality.

(5) Availability of funds.

(6) Extent to which applicant State has demonstrated the capability to rapidly award funds to sub-recipients following State receipt of Federal award.

(7) Extent to which the proposed project demonstrates effective linkages with other relevant Federal programs.

Executive Order 12372

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and localgovernment review of and comment on applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's applicable procedure. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any state process recommendations to the following address: Center for Substance

Abuse Treatment, Review Branch, 5600 Fishers Lane, Rockwall II Building, 10th Floor, Rockville, MD 20857 no later than 60 days following the receipt date.

Authority and Regulations

Grants awarded under this announcement are authorized under section 511 of the Public Health Service Act, as amended (42 U.S.C. 290bb-4).

Federal regulations at title 45 CFR Parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Grants must be administered in accordance with the PHS Grants Policy Statement (Revised October 1, 1990).

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.903.

Dated: April 13, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93-9064 Filed 4-16-93; 8:45 am]

BILLING CODE 5160-20-P

Model Comprehensive Substance Abuse Treatment Programs for Non-Incarcerated Criminal and Juvenile Justice Populations

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice of availability of funds.

INTRODUCTION: The Center for Substance Abuse Treatment (CSAT), is soliciting grant applications to assist States and communities in establishing and enhancing projects to provide treatment for non-incarcerated substance abusing (hereinafter, the term "substance abuse" includes alcohol and other drug abuse) individuals in the criminal justice system. These individuals must be under criminal justice supervision because of their status as pretrial releasees, probationers, parolees, or supervised releasees identified as suited for diversion from incarceration; or be rated as being at "high risk" for criminal recidivism and substance abuse by the supervising agency.

The primary purpose of this program is to improve treatment outcome for offender populations and reduce the frequency with which they engage in criminal behavior because of their addictive disorders. Projects must provide a continuum of offender management services that include client identification, assessment, comprehensive substance abuse treatment, including referrals for housing and employment as appropriate.

Projects that incorporate comprehensive treatment services for women offenders, juvenile offenders, outreach services and which serve as alternatives to incarceration will receive priority under this program. It is estimated that approximately $7.6 million will be available to support approximately 14–20 new awards under this Program Announcement [PA] in FY 93. Actual funding levels will depend upon the availability funds and program priorities at the time of the award. Approximately 15 percent of available funds will be allocated to support competitive renewals. For new projects, support may be requested for a project period of up to 3 years. Annual awards for continuation of projects after the first year will be subject to availability of funds and progress achieved. Applicants submitting proposals for competing renewals may request support for up to 2 years. No grantee may receive more than five years of support under this or any previous CSAT or (OTI) announcement for the same project or pertinent populations. For applicants interested in women's services, in addition to this program announcement, Congress appropriated funds to be awarded under section 508 of the Public Health Service Act to support specifically the enhancement or creation of new addition treatment capacity for comprehensive, residential treatment programs for alcohol and other drug abusing women who are pregnant and/or postpartum, and their infants and children. (See AS–93–03, Grant Program for Residential Treatment for Pregnant and Postpartum Women.) Congress also appropriated funds to be awarded under section 510 of the Public Health Service Act to projects specifically to demonstrate the utility and effectiveness of proposed residential treatment approaches for alcohol and other drug abusing women who are not pregnant or postpartum, and their dependent children. (See AS–93–05, Demonstration Program for Residential Treatment for Women and Their Children.)

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national public health initiative. This PA, "Model Comprehensive Substance Abuse Treatment Programs for Non-incarcerated Criminal Justice Populations," is related to the Healthy People 2000 objectives established for Violent and Abusive Behavior (Chapter 7) and for the prevention and treatment of Alcohol and Other Drug Abuse (Chapter 4).

Applicants seeking funding for substance abuse treatment services for incarcerated offenders should apply under Program Announcement (PA) No. AS–93–04.

RECEIPT DATES: The deadline for the initial receipt of applications is June 28, 1993. Thereafter, applications will be received two times per year on January 10, and May 10. Applications must be received at the address below on or before the deadline dates.

However, an application received after the deadline may be acceptable if it carries a legible proof-of-mailing date assigned by the carrier and the proof-of-mailing date is not later than one week prior to the deadline date. If the receipt date falls on a weekend, it will be extended to Monday; if the date falls on a holiday, it will be extended to the following work day.

CONSEQUENCES OF LATE SUBMISSION: Applications received after the specified receipt dates are subject to assignment to the next review cycle or may be returned to the applicant without review.

Applicants are advised that use of the above receipt dates may vary somewhat between fiscal years, depending on availability of funds. Accordingly, after FY 1993, CSAT will annually publish a notice of availability of funds and statement of applicable receipt dates, as well as receipt point, for this program. Applicants are strongly encouraged to ascertain such information before preparing and submitting applications.

ADDRESSES: Grant application kits (including form PHS 5161–1 with Standard Form 424, complete application procedures, and accompanying guidance materials for the narrative approved under OMB No. 0937–0189) may be obtained from United Information Systems, Inc., 3206 Tower Oaks Blvd., 4th Floor, Rockville, MD 20852 (301) 984–4222.

Completed applications should be sent to: United Information Systems, Inc., same address as above, Attn: CSAT Demonstration Programs—Model Comprehensive Substance Abuse Treatment Programs for Non-Incarcerated Criminal and Juvenile Justice Populations.

FOR FURTHER INFORMATION CONTACT:

For program issues: Center for Substance Abuse Treatment, Criminal Justice Systems Branch, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857. (301) 443–8802.

For grants management issues: Christine Chen, Grants Management Officer, Center for Substance Abuse

Treatment, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857. (301) 443–9665.

SUPPLEMENTARY INFORMATION:

Program Goals

The goals of this program are to:

(1) Expand and enhance substance abuse treatment that builds on state-of-the-art scientific and practical knowledge in order to maximize diversion to treatment and improved treatment outcomes for non-incarcerated criminal and juvenile justice populations;

(2) Develop documented models of service delivery, case management, and community supervision/treatment that can be replicated in other criminal and juvenile justice systems;

(3) Reduce rates of incarceration in jails, prisons, and juvenile facilities;

(4) Develop linkages between jail and prison-based substance abuse treatment programs with community-based substance abuse treatment and supervision programs; and

(5) Foster the linkage and integration of State, sub-state and local planning efforts to expand diversion to treatment and community supervision/treatment for non-incarcerated populations.

Eligibility Requirements

Applicants

Prior to passage of the ADAMHA Reorganization Act of 1992, CSAT was limited, under section 509G(b)(1) of the Public Health Services Act, to awarding discretionary grants to States. As a result of statutory changes made last year, CSAT has developed discretionary grant policy that: (1) Provides the opportunity for a broad pool of public and private non-profit providers of substance abuse treatment and recovery services to request support, and (2) uses application and award procedures that will ensure close coordination with Single State Agencies for Alcohol and Drug Abuse (SSAs) in each State. While all public and private non-profit providers of substance abuse treatment and recovery services are eligible to apply, CSAT intends that, in most instances, the SSA will serve as the grantee for individual provider projects that receive support under this announcement. This policy is consistent with CSAT's goals: (1) To coordinate Federal, State and local treatment planning and data collection efforts, and; (2) to work in partnership with State SSAs to administer discretionary funds to the maximum extent practicable.

All eligible public and private non-profit providers must submit their proposals through the SSA in their State, and SSAs must forward all such proposals to CSAT (for provider eligibility criteria, see Provider Eligibility below). Indian Tribal Authorities constitute an exception and may apply directly to CSAT without going through an SSA. In rare cases where an SSA does not wish to forward individual providers applications, providers may submit their proposals directly to CSAT. Before submitting a proposal directly to CSAT, it is the provider's responsibility to determine whether their State SSA intends to forward provider proposals submitted under this announcement. If an SSA does not intend to forward eligible proposals, providers should contact CSAT to determine the appropriate application procedure.

State SSAs can exercise one of two options when forwarding applications to CSAT:

1. SSAs seeking to be the applicant/grantee (i.e., financially and legally responsible for administration of grants post-award) must compile all provider proposals and forward them to CSAT under cover of a PHS Application form signed by the Director of the SSA. SSA applications submitted according to this procedure must also include a copy of a letter from the Director of the SSA, listing the provider proposals being forwarded under the State application. In addition, a copy of this letter must be included in each project proposal. CSAT will assume that SSAs electing to submit a State application in this manner intend to function as the grantee for awards made under this announcement. In this event, the SSA will receive between 2% to 6% of the total amount of the State award to cover State administrative costs. Prior to making an award to the State, CSAT will take into consideration whether the SSA has the capacity, resources, and authority to execute the full range of grant administration responsibilities for provider projects within its jurisdiction.

2. SSAs deciding not to be the applicant (i.e., legally and financially responsible for administration of grants post-award) should forward all provider proposals received under this announcement to CSAT, accompanied only by a cover letter from the Director of the SSA listing the provider proposals contained in the State submission. For States electing this option, CSAT will award grants directly to successful providers within the State.

Under either option, States are invited to make award recommendations to the Director of CSAT by July 30, 1993 for the current year's application, or within 60 days of the application deadline in future years.

Provider Eligibility

Evidence of capability to perform must accompany each provider proposal, and must consist of at least one of the following:

1. Documentation of the existence of an infrastructure upon which to initiate a treatment program for the target population. Such documentation must be in the form of a letter from the SSA, or the governmental entity (e.g. county, regional or city) immediately responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction.

2. Documentation that the provider, or at least one member of a provider consortium, has provided substance abuse treatment or recovery services to the target population for a minimum of two years prior to the date of application.

A letter from the SSA, or the governmental entity (e.g. county, regional or city) immediately responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction, certifying the provider's experience, as above, will suffice to meet this requirement.

3. Documentation that the provider is licensed or accredited to provide substance abuse treatment or recovery services by appropriate certification or credentialing bodies (e.g. State or sub-state licensing, Joint Commission on Accreditation for Health Organizations, Commission on Accreditation of Rehabilitation Facilities). Such documentation may be in one of two forms:

- A notarized copy of the provider's license or certification of accreditation, or;
- A letter from the SSA, or the governmental entity (e.g. county, regional or city) immediately responsible for monitoring, overseeing or administering addiction treatment or other health and human services in the provider's jurisdiction, certifying the provider's licensure status (addiction treatment program, mental health care program, primary health care facility, rehabilitation facility, recovery home, etc.).

Facility

In cases where the provider's proposal involves the use of facilities on a site where addiction treatment and/or primary health care or related services do not presently exist, the documentation provided must attest to

the fact that a suitable and accessible facility is available, and is in compliance with, or capable of being readily brought into compliance with, all State health, safety and fire regulations.

Note.—Providers that are *not* licensed or accredited to provide substance abuse treatment or recovery services at the time of application and that receive awards under this announcement are expected to obtain licensure as rapidly as possible following the grant award, except in cases where the awardee's State does not offer licensure.

Competing Renewals

Public or private non-profit grantees presently operating in the third and final year of grants awarded in 1990 under the Office for Treatment Improvement's demonstration program for non-incarcerated offenders are eligible to apply for competing renewals under this announcement for up to two additional years of funding. These proposals (hereafter referred to as competing renewals) will be subject to review and award criteria that differ from those applicable to new proposals (see REVIEW and AWARD CRITERIA).

Target Populations

The populations that are to be the focus of this grant program are:

Diversionary Populations

Clients who are or have been: (1) Arrested for misdemeanors or a limited number of felonies;

(2) Without a history of seriously violent behavior;

(3) Whose primary problem is addiction to one or more substances; and

(4) For whom substance abuse treatment would be appropriate as determined by a properly licensed practitioner in concert with pre-trial services or the court.

Probation and Parole Populations

Probationers and parolees who are: (1) Deemed "high risk" by virtue of a high score on an instrument such as CMC (Client Management Classification);

(2) Identified as addicted to one or more substances; and

(3) Determined appropriate for substance abuse treatment by a properly licensed practitioner in concert with an officer of the court or probation or parole agency.

Where applicable, each proposed project should have a focus on the special needs of racial/ethnic minority populations including Black Americans, Hispanic Americans (including Central and South Americans, Puerto Ricans, Cuban Americans, and all other Hispanic populations), Native Americans, Alaskan Natives, Asian and Pacific Islanders (such as Vietnamese Americans, Chinese Americans, Korean Americans, etc. * * *).

Projects will receive priority where the model includes one or more of the following components: (1) Deferred prosecution where the district attorney, in cooperation with the criminal court, delays prosecution of drug related cases while the defendant completes substance abuse treatment.

(2) Court referrals to treatment where a judicial authority defers sentencing while the defendant completes treatment, or treatment is ordered as a condition of probation.

(3) Jurisdictions operating under court order to reduce jail populations because of crowding and propose using approaches in items one or two above as a means to remediate crowding.

Review Criteria

Applications that are accepted for review will be assigned to an Initial Review Group (IRG) composed primarily of non-Federal experts.

Applications submitted in response to this PA will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures for grants.

All Proposals

1. Proof of Need—25%

- Extent to which the demand for treatment on the part of substance abusers in the criminal and juvenile justice system exceeds existing treatment capacity as measured by gaps in treatment for probation and parole populations or diversion to treatment referrals.
- Extent to which the current proposed target population(s) meets the definition of pre-trial diversion or parole and probation populations, as described in this program announcement.

2. Relevance/Adequacy of Program Design—25%

- Appropriateness of proposed goals and objectives relative to grant program goals and extent to which program goals are appropriate, achievable and realistic.
- Extent to which the interventions included in proposed project, together with existing resources, are consistent with the CSAT comprehensive model treatment approach.
- Evidence of coordination with and commitment from court and correctional agencies (probation and parole), substance abuse treatment, juvenile justice, health, mental health, welfare, community and educational service providers. Linkage to existing supervisory agencies and including case management agencies such as TASC.
- Evidence of a model which utilizes deferred prosecution with a diversion to treatment for appropriate offenders.
- Evidence that diversion to treatment is a primary ingredient for local county jail population control plans for jurisdictions operating under court order to reduce inmate populations (male and female).
- Evidence of a judicial model which utilizes a direct referral to substance abuse treatment in lieu of incarceration (e.g. drug-court models).

3. Resources and Management—20%

- Evidence of organizational capability and adequate facilities and equipment.
- Logic and feasibility of the management plan.
- Capability/experience of the proposed project director, consultants and staff; adequacy of the staffing plan.
- Evidence of successful previous experience of the provider's program, as well as evidence of an infrastructure on which to build a treatment program.
- Documented commitment of key court and criminal justice officials and treatment and public health officials for a coordinated approach in handling diverted or high risk drug abuser, and expanding the range of treatment services and related public health and social services.
- Comprehensiveness of the proposed treatment modalities and consortium management of treatment providers.
- Appropriateness of the case management and monitoring techniques in handling substance abusing offenders, including tracking system, management information systems, and range of supervision options.

4. Budget—15%

- Extent and quality of State and/or provider assurances that sufficient resources will be available to support the proposed project(s).
- Cost effectiveness, per patient costs, and reasonableness of overall project cost relative to planned services.
- Reasonableness/appropriateness of budget breakouts and line item justification for each of the new treatment capacity components.

5. Program Evaluation—15%

- Clarity/feasibility/appropriateness of proposed evaluation design and methodology.
- Extent to which proposed staff demonstrate evaluation expertise.

Competing Renewals

For competing renewals, 50 percent of the total priority score will be based on the review criteria listed above and 50 percent of the total priority score will be based upon the three review criteria below (the two scores will be averaged):

1. Performance—50%

- Documented progress towards achieving goals and objectives as specified in original grant proposal as measured by quarterly reports, annual reports and CSAT staff reports.
- Cost-effectiveness, number of clients served annually, and the comprehensiveness of the service delivery model.
- Process and outcome evaluation results.

2. National Model—30%

- Potential for program to serve as a national model and training site based on these queries:

(1) Does the approach merit replication based on efficacy and cost-efficacy;

(2) Whether the program can be replicated (not dependent on some unique local circumstance); and

(3) Is there sufficient detailed documentation on program process and procedures to permit ready replication.

3. Future Funding—20%

- Potential for funding (state, local, private) after Federal support expires based on documentation accompanying the application indicating the sources amounts and firmness of commitment for continuing the project.

Award Criteria and Process

Applications recommended for approval by the Initial Review Group and appropriate advisory council, if in place, will be considered for funding on the basis of their overall technical merit as determined through the review process. Other award criteria will include:

(1) Need in the provider's jurisdiction, as demonstrated by Center for Disease Control AIDS and TB incidence data, Drug Abuse Warning Network (DAWN) and DUF statistics, and/or other available indicators of morbidity and mortality.

(2) Reasonable geographic distribution of awards throughout the United States.

(3) The extent to which the proposed project is consistent with existing State-wide Treatment, Prevention, and Criminal Justice Improvement plans.

(4) Availability of Federal funds.

(5) Extent to which the proposed project will receive matching funds from State or sub-state agencies or other non-Federal (private or public) sources.

Given the limited volume of available funding, it is highly unlikely that all projects approved by the IRG will receive awards. If selected for an award, a State will receive a Notice of Grant Award specifying which projects are being funded, and the State will be responsible for notifying individual programs.

Award Criteria for State Applicants

In cases where the State SSA applies for funding, CSAT may take into consideration the following factors to determine whether or not to make awards directly to State SSAs:

- The extent to which the SSA has clearly demonstrated the ability to obligate funds at the provider level within 90 days of Federal award to the State, and to obligate funds in an amount equal to the volume of grant funds earmarked for the provider.[1]
- Whether the State has undergone, or is enrolled in, the Statewide Technical Review and Technical Assistance component of CSAT's State Systems Development Program.

It is CSAT's intent to award grants primarily to State SSAs; however, CSAT reserves the option of awarding grants directly to providers in the event that an SSA does not meet one or more of the above criteria or chooses not to forward proposals to CSAT.

It is CSAT's intent to award grants to State SSA Applicants; however, CSAT reserves the option of awarding grants directly to provider projects in the event that a SSA Applicant does not meet one or more of the above criteria. CSAT may enter into negotiations with State SSA applicants which have historically not met the above criteria but who are willing to take the steps necessary to remediate their obligation problems.

Intergovernmental Review (E.O. 12372)

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any state process recommendations to the following address:

Review Branch, Office of Scientific Analysis and Evaluation, Center for Substance Abuse Treatment, Rockwall II Building, 10th Floor, 5600 Fishers Lane, Rockville, MD 20857, ATTN: SPOC.

The due date for state process recommendations is no later than 60 days after the deadline for the receipt of applications.

The Center for Substance Abuse Treatment does not guarantee to accommodate or explain SPOC comments that are received after the 60 day cut-off.

Public Health System Reporting Requirements

Community-based, nongovernmental, providers are subject to the Public Health System Reporting Requirements. Each community-based, nongovernmental provider must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based nongovernmental organizations within their jurisdictions.

In rare cases where an SSA does not wish to serve the grantee under this program, community-based, nongovernmental providers are required to submit the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted no later than the pertinent receipt date for applications. The PHSIS consists of the following information:

a. A copy of the face page of the application (Standard Form 424).

b. A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and Tribal Authority applicants to this program are not subject to the Public Health System Reporting Requirements.

[1] Funds are considered to be obligated at the service delivery unit level when funds become available for expenditure by the service provider or providers that submitted the proposal; funds must be obligated in full amount to the provider, and not pro-rated based on differing State fiscal periods, etc.

Authority and Regulations

Grants awarded under this announcement are authorized under section 511 of the Public Health Service Act, as amended (42 U.S.C. 290bb–4).

Federal regulations at title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Grants must be administered in accordance with the PHS Grants Policy Statement (Revised October 1, 1990).

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 93.903.

Dated: April 9, 1993.

Joseph R. Leone,

Acting Deputy Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 93–8816 Filed 4–16–93; 8:45 am]

BILLING CODE 5160–20–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N–93–3594; FR–3498–N–02]

Debenture Recall; Correction

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice; Correction.

SUMMARY: In notice document 93–6286, beginning on page 14584 in the issue of Thursday, March 18, 1993, make the following correction:

On page 14584 in the second column, third sentence, the date previously published to insure timely payment of debentures to be presented to the Federal Reserve Bank of Philadelphia was stated as March 31, 1993. This date should be changed to June 1, 1993. The sentence is corrected to read: "To insure timely payment, debentures should be presented to the Federal Reserve Bank of Philadelphia by June 1, 1993."

Dated: April 8, 1993.

James E. Schoenberger,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 93–9042 Filed 4–16–93; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF THE INTERIOR

Geological Survey

National Mineral Resources Assessment Program

AGENCY: Geological Survey, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. Geological Survey has accepted from Clyde Wahrhaftig contribution of $1,500 to support volunteers working on continuing projects under the National Mineral Resources Assessment Program in the Menlo Park Office of the Branch of Alaskan Geology.

DATES: This notice is effective immediately.

ADDRESSES: Information on the volunteers' work is available to the public upon request at the following location:

U.S. Geological Survey, Branch of Alaskan Geology, 4200 University Drive, Anchorage, Alaska 99508–4667.

FOR FURTHER INFORMATION CONTACT: Ms. Leslie Blaylock of the U.S. Geological Survey, Branch of Alaskan Geology, at the address given above; telephone 907/786–7492.

B.A. Morgan,

Chief Geologist.

[FR Doc. 93–9004 Filed 4–16–93; 8:45 am]

BILLING CODE 4310–31–M

National Park Service

Niobrara Scenic River Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Niobrara Scenic River Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

The Commission was established pursuant to Public Law 102–50, section 5. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on matters pertaining to the development of a management plan, and on the management and operation of the 40 mile and 30 mile segments of the Niobrara River designated by section 2 of Public Law 102–50 which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

Meeting Date and Time: May 26, 1993 9 a.m. to 3 p.m.

Address: Elks BPOE 1790 Lodge, 111 E. 3rd Street, Ainsworth, NE.

Agenda topics include: Discuss comments received by the Commission members from the community on the purpose and significance statements distributed at the May 6, 1993 meeting; the opportunity for public comment; and closing with notification of any schedule changes for the proposed agenda, date, time, and location for the next meeting.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of Minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, NE.

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, (402) 336–3970.

Dated: April 7, 1993.

Don H. Castleberry,

Regional Director.

[FR Doc. 93–9053 Filed 4–16–93; 8:45 am]

BILLING CODE 4310–70–P

Niobrara Scenic River Advisory Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Niobrara Scenic River Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

The Commission was established pursuant to Public Law 102–50, section 5. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on matters pertaining to the development of a management plan, and on the management and operation of the 40 mile and 30 mile segments of the Niobrara River designated by section 2 of Public Law 102–50 which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its

confluence with Chimney Creek to its confluence with Rock Creek.

Meeting Date and Time: May 6, 1993 1:30 p.m.

Address: American Legion Club meeting room, 201 E. Buchanan Street, Bassett, Nebraska.

(In the event of inclement weather, the meeting will be held the following week, May 13, 1993, at 1:30 p.m. at the same location. Cancellation notice will be communicated over the local radio stations.)

Agenda topics include: Review of the bylaws with recommended changes; voting procedures; selection of a vice-chair; an update from the four county management board; a presentation from Brown County, re: Zoning regulations in Brown County; an update, and discussion on the purpose and significance statements by the National Park Service; the opportunity for public comment, and a proposed agenda, date, time, and location for the next meeting.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of Minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, NE.

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763-0591, (402) 336-3970.

Dated: March 31, 1993.

David N. Given,

Acting Regional Director, Midwest Region.

[FR Doc. 93-9054 Filed 4-16-93; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Ben Rahmati, D.D.S.; Revocation of Registration

On March 18, 1993, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Ben Rahmati, D.D.S. of 24310 Moulton Parkway, #C1 301, Laguna Hills, California, proposing to revoke his DEA Certificate of Registration, BR2692893, and deny any pending applications for registration as a practitioner. The statutory basis for the Order to Show Cause was that Dr. Rahmati was no longer authorized by State law to handle controlled substances and thus was ineligible for DEA registration as set forth in 21 U.S.C. 823(f).

The Order to Show Cause was sent by registered mail to Dr. Rahmati at his registered location in Laguna Hills. The letter was returned to the DEA on March 29, 1993 with the notation that Dr. Rahmati had moved and left no forwarding address. The records of the State Board of Dental Examiners and Dr. Rahmati's probation supervisor indicate the same address for Dr. Rahmati as the DEA records. Previously, in March and May of 1992, the DEA also unsuccessfully attempted to deliver other related correspondence to Dr. Rahmati at this address and two other Laguna Hills locations. Dr. Rahmati is no longer in practice or present at his registered location and his whereabouts are unknown.

Pursuant to 21 CFR 1301.54(d), the Administrator finds that Dr. Rahmati has waived his opportunity for a hearing. The Administrator has carefully considered the investigative file in this matter, and enters his final order under the provisions of 21 CFR 1301.57.

The Administrator finds that on February 27, 1992, the State of California Board of Dental Examiners revoked Dr. Rahmati's dental license, based on his conviction of a crime involving battery upon women patients. Therefore, Dr. Rahmati is not authorized to administer, dispense, prescribe, or otherwise handle controlled substances under the laws of the state in which he is registered with DEA.

DEA has consistently held that termination of a registrant's state authority to handle controlled substances requires that DEA revoke the registrant's DEA Certificate of Registration. Sam S. Misasi, D.O., 50 FR 11469 (1985); George P. Gotsis, M.D., 49 FR 33750 (1984); Henry Weitz, M.D., 46 FR 34858 (1981).

Based on the foregoing, the Administrator concludes that Dr. Rahmati's registration must be revoked. 21 U.S.C. 823(f) and 824(a)(3). Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration, BR2692893, previously issued to Ben Rahmati, D.D.S., be, and it hereby is, revoked, and that any pending applications for registration, be, and they hereby are, denied. This order is effective April 19, 1993.

Dated: April 12, 1993.

Robert C. Bonner,

Administrator of Drug Enforcement.

[FR Doc. 93-8996 Filed 4-16-93; 8:45 am]

BILLING CODE 4410-09-M

Office of Special Counsel for Immigration Related Unfair Employment Practices; Immigration Related Employment Discrimination Public Education Grants

AGENCY: Office of Special Counsel for Immigration Related Unfair Employment Practices, U.S. Department of Justice.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The Office of Special Counsel for Immigration Related Unfair Employment Practices ("OSC") announces the availability of up to $3,000,000 for grants to conduct public education programs about the rights afforded potential victims of employment discrimination and the responsibilities of employers under the antidiscrimination provision of the Immigration Reform and Control Act of 1986 ("IRCA"), 8 U.S.C. 1324b, as amended by Title V, Section C of the Immigration Act of 1990.

It is anticipated that a number of grants will be competitively awarded to applicants who can demonstrate a capacity to design and successfully implement public education campaigns to combat immigration-related employment discrimination. Grants will range in size from $50,000 to $150,000. Additionally, OSC may selectively consider awarding grants for a very limited number of proposals of exceptional quality, of regional or national scope, ranging in size to $250,000. Such proposals may be submitted as supplements to, and not in lieu of, individual proposals with a $150,000 limit.

OSC will accept proposals from applicants who have access to potential victims of discrimination or whose experience qualifies them to educate employers about the antidiscrimination provisions of IRCA. OSC welcomes proposals from diverse sources, such as not-for-profit community-based organizations, and local, regional or national ethnic and immigrants' rights advocacy organizations which serve potential victims of discrimination. OSC also welcomes proposals from trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

APPLICATION DUE DATE: June 3, 1993.

FOR FURTHER INFORMATION CONTACT: Patita McEvoy or Ginette Milanes, Public Affairs Specialists. Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Tel. (202) 616–5594, or (202) 616–5525 (TDD for the hearing impaired).

SUPPLEMENTARY INFORMATION: The Office of Special Counsel for Immigration Related Unfair Employment Practices of the Department of Justice announces the availability of funds to conduct public education programs concerning the antidiscrimination provisions of IRCA. Funds will be awarded to selected applicants who propose cost effective ways of disseminating information to employers and members of the protected class or to those who can fill a particular need not currently being met.

Background

On November 6, 1986, President Reagan signed into law the Immigration Reform and Control Act of 1986, Public Law 99–603. Additional provisions were signed into law by President Bush in the Immigration Act of 1990 on November 29, 1990. IRCA makes hiring aliens without work authorization unlawful, and it requires employers to verify the identity and work authorization of all new employees. Employers who violate this law are subject to sanctions, including fines and possible criminal prosecution.

During the debate of IRCA, Congress foresaw the possibility that employers, fearful of sanctions, would refuse employment to individuals simply because they looked or sounded foreign. Consequently, Congress enacted Section 102 of IRCA, an antidiscrimination provision. Section 102 prohibits employers of four or more employees from discriminating on the basis of citizenship status or national origin in hiring, firing, recruitment or referral for a fee. Citizens and certain classes of work authorized individuals are protected from citizenship status discrimination. Protected non-citizens include permanent residents, temporary residents under the amnesty, the Special Agricultural Workers (SAWs) or the Replenishment Agricultural Workers (RAWs) programs, refugees and asylees who apply for naturalization within six months of being eligible to do so. Citizens and all work authorized individuals are protected from discrimination on the basis of national origin. However, this prohibition applies to employers with four to fourteen employees. National origin discrimination complaints against employers with fifteen or more employees remain under the jurisdiction of the Equal Employment Opportunity Commission under Title VII of the Civil Rights Act of 1964.

Congress created the OSC to enforce Section 102. OSC is responsible for receiving and investigating discrimination charges and, when appropriate, filing complaints with a specially designated administrative tribunal. OSC also initiates independent investigations of possible Section 102 violations.

While OSC has established a record of vigorous enforcement, studies by the U.S. General Accounting Office and other sources have shown that there is an extensive lack of knowledge on the part of protected individuals and employers about the antidiscrimination provisions. Enforcement cannot be effective if potential victims of discrimination are not aware of their rights. Moreover, discrimination can never be eradicated so long as employers are not aware of their responsibilities.

Purpose

OSC seeks to educate both potential victims of discrimination about their rights and employers about their responsibilities under the antidiscrimination provision of IRCA. Because previous grantees have developed a wealth of materials (*e.g.*, brochures, posters, booklets, information packets, and videos) to educate these groups, OSC has determined that the focus of the program should be on the dissemination of information. More specifically, in keeping with the purpose of the grant program, OSC seeks proposals that will use existing materials effectively to educate large numbers of workers or employers about exercising their rights or fulfilling their obligations under the antidiscrimination provisions.

Program Description

The program is designed to develop and implement cost effective approaches to disseminate information regarding IRCA's antidiscrimination provisions. The campaign should focus on educating potential victims of employment discrimination about their rights and educating employers about their responsibilities under IRCA. Applications may propose to educate potential victims only, employers only, or both in a single campaign. Proposals should outline the following key elements of the program:

Part I: Targeted Population

The educational efforts under the grant should be directed to: (1) work authorized non-citizens who are protected individuals, since this group is especially vulnerable to employment discrimination; (2) those citizens who are most likely to become victims of employment discrimination; and/or to (3) employers. The proposals should define the characteristics of the work authorized population or the employer group(s) targeted for the educational campaign, and the applicant's qualifications to credibly and effectively reach large segments of the campaign targets.

The proposals should also detail the reasons for targeting each group of protected individuals or employers by describing particular needs or other factors to support the selection. In defining the campaign targets and supporting the reasons for the selection, applicants may use studies, surveys, or any other sources of information of generally accepted reliability.

Part II: Campaign Strategy

We encourage applicants to devise effective and creative means of public education and information dissemination that are specifically designed to reach the widest possible targeted audience. Those applicants proposing educational campaigns addressing potential victims of discrimination should keep in mind that some of the traditional methods of public communication may be less than optimal for disseminating information to members of national or linguistic groups that have limited community-based support and communication networks.

Proposals should discuss the components of the campaign strategy, detail the reasons supporting the choice of each component, and explain how

each component will effectively contribute to the overall objective of cost-effective dissemination of useful and accurate information to a wide audience of protected individuals or employers. Discussions of the campaign strategies and supporting rationale should be clear, concise, and based on sound evidence and reasoning.

Since there presently exists a wealth of materials for use in educating the public, proposals should include in their budgets the costs for printing from camera-ready materials received from OSC. To the extent that applicants believe the development of original materials particularly suited to their campaign is necessary, their proposal should articulate in detail the circumstances requiring the development of such materials. All such materials must be approved by OSC to ensure legal accuracy and proper emphasis prior to production. It should be noted that proposed redactions of OSC approved materials must also be submitted for clearance. All information distributed should also include mention of the OSC as a source of assistance, information and action, and the correct address and telephone numbers of the OSC (including the toll-free and TDD toll-free numbers for the hearing impaired).

Part III: Evaluation of the Strategy

One of the central goals of this program is determining what public education strategies are most effective in dispersing information about the antidiscrimination provisions. To be effective in planning future public education efforts, OSC needs to know what works and what does not. Measuring the effectiveness of the campaign strategy and public education materials is therefore crucial, and the methods of measurement and their results must be carefully detailed. A full evaluation of a project's effectiveness is due within 60 days of the conclusion of a campaign.

Selection Criteria

The final selection of grantees for award will be made by the Special Counsel for Immigration Related Unfair Employment Practices.

Proposals will be submitted to a peer review panel. OSC anticipates seeking assistance from sources with specialized knowledge in the areas of employment and immigration law, as well as in evaluating proposals, including the agencies that are members of the IRCA Antidiscrimination Outreach Task Force: The Department of Labor, the Equal Employment Opportunity Commission, the Small Business Administration, and the Immigration and Naturalization Service. Each panelist will evaluate proposals for effectiveness and efficiency with emphasis on the various factors enumerated below. The panel's results are advisory in nature and not binding on the Special Counsel. Letters of support, endorsement, or recommendation will not be accepted or considered.

Applicants should be aware that some states are currently conducting IRCA antidiscrimination outreach and education programs with funds made available under the Immigrant Nurses Relief Act of 1989, Public Law 101–238. Unnecessary duplication of specific efforts under those programs should be avoided. OSC will take steps to coordinate these efforts but expects that, to the extent practicable, grantees will do so as well.

In determining which applications to fund, OSC will consider the following (based on a one-hundred point scale):

1. Program Design (50 points)

Sound program design and cost effective strategies for dissemination of information to the targeted population are imperative. Consequently, areas that will be closely examined include the following:

a. Evidence of in-depth knowledge of the goals and objectives of the project. (15 points)

b. Selection and definition of the target group(s) for the campaign, and the factors that support the selection, including special needs, and the applicant's qualifications to effectively reach the target. (10 points)

c. A cost effective campaign strategy for wide dissemination of information to targeted employers and/or members of the protected class, with a justification for the choice of strategy. (15 points)

d. The evaluation methods proposed by the applicant to measure the effectiveness of the campaign and their precision in indicating to what degree the campaign is successful. (10 points)

2. Administrative Capability (20 points)

Proposals will be rated in terms of the capability of the applicant to implement the targeting, public education and evaluation components of the campaign:

a. Evidence of proven ability to provide high quality results. (10 points)

b. Evidence that the applicant can implement the campaign, and complete the evaluation component within the time lines provided.

Note: OSC's experience during previous grant cycles has shown that a number of applicants choose to apply as a consortium of individual entities; or, if applying individually, propose the use of subcontractors to undertake certain limited functions. It is essential that these applicants demonstrate the proven management capability and experience to ensure that, as lead agency, they will be directly accountable for the successful implementation, completion, and evaluation of the project. (10 points)

3. Staff Capability (10 points)

Applications will be evaluated in terms of the degree to which:

a. The duties outlined for grant-funded positions appear appropriate to the work that will be conducted under the award. (5 points)

b. The qualifications of the grant-funded positions appear to match the requirements of these positions. (5 points)

4. Previous Experience (20 points)

The proposals will be evaluated on the degree to which the applicant demonstrates that it has successfully carried out programs or work of a similar nature in the past.

Eligible Applicants

This grant competition is open to not-for-profit community-based organizations, local, regional or national ethnic and immigrants' rights advocacy organizations that serve potential victims of discrimination, trade associations, industry groups, professional organizations, and other entities providing information services to employers. Applications will not be accepted from public entities, including state and local government agencies, and public educational institutions.

Grant Period and Award Amount

It is anticipated that several grants will be awarded and will range in size from $50,000 to $150,000.

OSC will also consider the selective award of grant proposals of exceptional quality of regional or national scope, ranging in size to $250,000. Such proposals must set forth a broad-range and comprehensive public education campaign designed to educate large numbers of employers or potential victims of discrimination nationwide, or in localized regions of the country. For purposes of this proposal, "region" means a multi-jurisdictional area consisting of two or more contiguous states with a high concentration of work-authorized aliens. The term "region" shall also mean the states of California and Texas individually. During evaluation, the panel will closely examine those proposals that guarantee maximum exposure and penetration in the employer or potential victims target populations. Thus, a

campaign designed to reach a very large proportion of employers (or potential victims) in the state of Texas would take precedence over a campaign designed to reach a more limited number of employers (or potential victims) nationwide.

Final decision whether to award any grants at the $250,000 funding level will be made by the Special Counsel only after all proposals are evaluated by the selection panel. To ensure that OSC receives an adequate number of applications in the normally acceptable funding range (up to $150,000), no proposals for the larger amount (up to $250,000) will be accepted unless submitted as a supplement, or in addition to an independent proposal, of at least comparable quality, with a $150,000 limit. Companion applications may propose similar campaigns, differing only in scope and reach; or they may propose substantially different campaign designs. In all cases, however, both proposals submitted by an applicant must be considered acceptable by the selection committee before OSC will consider awarding a $250,000 request for a grant.

Publication of this announcement does not require OSC to award any specific number of grants, to obligate the entire amount of funds available, or to obligate any part thereof. The period of performance will be twelve months from the date of the grant award. Those grantees who successfully achieve their goals may be considered for supplementary funding for a second year based on the availability of funds.

Application Deadline

All applications must be received by the close of business (6 p.m. EDT) (insert weekday and date 45 days after publication) at the Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Applications submitted via facsimile machine will not be accepted or considered.

Application Requirements

Applicants should submit an original and two (2) copies of their completed proposal by the deadline established above. All submissions must contain the following items in the order listed below:

1. A completed and signed Application for Federal Assistance (Standard Form 424) and Budget Information (Standard Form 424A).

2. OJP Form 4061/6 (Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements).

3. An abstract of the full proposal, not to exceed one page.

4. A program narrative of not more than fifteen (15) double-spaced typed pages which includes the following:

a. A clear statement describing the approach and strategy to be utilized to complete the tasks identified in the program description;

b. A clear statement of the proposed goals and objectives, including a listing of the major events, activities, products and timetables for completion;

c. The proposed staffing plan; and

d. Description of how the project will be evaluated.

5. A proposed budget outlining all direct and indirect costs for personnel, fringe benefits, travel, equipment, supplies, subcontracts, and a short narrative justification of each budgeted line item cost. If an indirect cost rate is used in the budget, then a copy of a current fully executed agreement between the applicant and the Federal cognizant agency must accompany the budget.

6. Copies of resumes for the professional staff proposed in the budget.

Note: If the grant project manager is to be hired later as part of the grant, hiring is subject to review and approval by OSC at that time.

7. Detailed technical materials that support or supplement the description of the proposed effort should be included in the appendix.

In order to facilitate handling, please do not use covers, binders or tabs.

Application forms may be obtained by writing or telephoning: Office of Special Counsel for Immigration Related Unfair Employment Practices, 1425 New York Ave., NW., Suite 9000, P.O. Box 27728, Washington, DC 20038–7728. Tel. (202) 616–5594, or (202) 616–5525 (TDD for the hearing impaired).

Dated: April 13, 1993.

William Ho-Gonzalez,

Special Counsel, Office of Special Counsel for Immigration Related Unfair Employment Practices.

[FR Doc. 93–9032 Filed 4–16–93; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Office of the Secretary

Business Research Advisory Council: Reestablishment

In accordance with the provision of the Federal Advisory Committee Act, and after consultation with the General Services Administration (GSA), I have determined that the establishment of the Business Research Advisory Council (BRAC) is in the public interest in connection with the performance of duties imposed on the Department of Labor.

The Council will advise the Commissioner of Labor Statistics on technical economic and statistical matters, in the analysis of the Bureau's statistics, and on the broader aspects of its program from an informed business point of view; and provide a realistic and timely two-way communications structure between business users and providers of basic economic statistics and a major governmental statistics-producing unit.

Council membership is selected to represent a cross section of American business and industry.

The Council will function solely as an advisory body and in compliance with the provisions of the Federal Advisory Committee Act.

Interested persons are invited to submit comments regarding renewal of the Business Research Advisory Council. Such comments should be addressed to: Constance B. DiCesare, Liaison for BRAC, Bureau of Labor Statistics, Department of Labor, room 2860, Postal Square Building, 2 Massachusetts Avenue, NE., Washington, DC 20212, telephone: (202) 606–5886.

Signed at Washington, DC, this 5th day of April, 1993.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 93–8975 Filed 4–16–93; 8:45 am]

BILLING CODE 4510–24–M

[Secretary's Order 1–93]

Delegation of Authority and Assignment of Responsibilities to the Assistant Secretary for Employment Standards

March 30, 1993.

1. *Purpose.* To delegate authority and assign responsibilities to the Assistant Secretary for Employment Standards.

2. *Background.* This Order delegates authority and assigns responsibility to the Assistant Secretary for Employment Standards regarding the Family and Medical Leave Act of 1993. All other authority and responsibility set forth in this Order were delegated or assigned previously to the Assistant Secretary for Employment Standards in Secretary's Order 9–92, and this Order continues those delegations and assignments in full force and effect, except as expressly

modified herein. This Order also makes minor editorial and technical changes to Secretary's Order 9–92.

3. *Delegation of Authority and Assignment of Responsibilities.*

a. *The Assistant Secretary for Employment Standards* is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards and labor-management standards policies, programs, and activities of the Department of Labor, including those functions to be performed by the Secretary of Labor in relation to:

(1) The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.* (FLSA), including the issuance thereunder of child labor hazardous occupation orders and other regulations concerning child labor standards. Authority and responsibility for the Equal Pay Act, section 6(d) of the FLSA, were transferred to the Equal Employment Opportunity Commission (EEOC) on July 1, 1979, pursuant to the President's Reorganization Plan No. 1 of February 1978.

(2) The Walsh-Healey Public Contracts Act of 1936, as amended, 41 U.S.C. 35, *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretaries for Occupational Safety and Health and Mine Safety and Health, respectively.

(3) The McNamara-O'Hara Service Contract Act of 1965, as amended, 41 U.S.C. 351, *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(4) The Davis-Bacon Act, as amended, and any laws now existing or subsequently enacted, providing for prevailing wage findings by the Secretary in accordance with or pursuant to the Davis-Bacon Act, as amended, 40 U.S.C. 276a—276a–7; the Copeland Act, 40 U.S.C. 276c; Reorganization Plan No. 14 of 1950; and, the Tennessee Valley Authority Act, 16 U.S.C. 831.

(5) The Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. 327, *et seq.*, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(6) Title III of the Consumer Credit Protection Act, 15 U.S.C. 1671, *et seq.*

(7) The labor standards provisions contained in sections 5(i) and 7(g) of the National Foundation for the Arts and Humanities Act, as amended, 20 U.S.C. 954(i) and 956(g), except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health.

(8) The Migrant and Seasonal Agricultural Worker Protection Act of 1983, 29 U.S.C. 1801, *et seq.*

(9) Section 1450(i) of the Safe Drinking Water Act, 42 U.S.C. 300j–9(i).

(10) Section 507 of the Federal Water Pollution Prevention and Control Act, 33 U.S.C. 1367.

(11) Section 23 of the Toxic Substances Control Act, 15 U.S.C. 2622.

(12) Section 7001 of the Solid Waste Disposal Act, 42 U.S.C. 6971.

(13) Section 322 of the Clean Air Act, 42 U.S.C. 7622.

(14) Section 211 of the Energy Reorganization Act of 1974, as amended, 42 U.S.C. 5851.

(15) Section 110(a)–(d) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. 9610.

(16) The Employee Polygraph Protection Act (EPPA) of 1988, 29 U.S.C. 2001–2009.

(17) The Federal Employees' Compensation Act, as amended and extended, 5 U.S.C. 8101, *et seq.*, except section 8149 as it pertains to the Employees' Compensation Appeals Board.

(18) The Longshore and Harbor Workers' Compensation Act, as amended and extended, 33 U.S.C. 901, *et seq.*, except: 33 U.S.C. 921(b) as it applies to the Benefits Review Board; 33 U.S.C. 941 relating to activities assigned to the Assistant Secretary for Occupational Safety and Health; and 33 U.S.C. 919(d) with respect to administrative law judges in the Office of Administrative Law Judges.

(19) Black Lung Benefits Act, as amended, 30 U.S.C. 901, *et seq.*

(20) The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and as codified at 38 U.S.C. 4212, except for monitoring of the Federal contractor job listing activities under section 4212(a) and the annual Federal contractor reporting obligations under section 4212(d) delegated to the Assistant Secretary for Veterans' Employment and Training.

(21) Sections 501(a), 501(f), 502, and 503 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 793, *et seq.*, and Executive Order 11758.

(22) Executive Order 11246, as amended by Executive Order 11375 and Executive Order 12086—Federal Contract Compliance.

(23) Section 212(m)(2)(E) (ii) through (v) of the Immigration and Nationality Act (INA) of 1952, as amended, 8 U.S.C. 1182(m)(2)(E) (ii) through (v), (relating to the complaint, investigation, and penalty provisions of the attestation process for users of nonimmigrant registered nurses (*i.e.*, H–1A Visas)).

(24) Section 210 and 210A (8 U.S.C. 1160 and 1161) (relating to the recordkeeping, reporting, and employment requirements for employers of Special Agricultural Workers/Replenishment Agricultural Workers engaged in seasonal agricultural services), section 218(g)(2) (8 U.S.C. 1188(g)(2)) (relating to assuring employer compliance with terms and conditions of employment under the temporary alien agricultural labor certification (H–2A) program), and section 274A(b)(3) (8 U.S.C. 1324A(b)(3)) (relating to employment eligibility verification and related recordkeeping) of the Immigration and Nationality Act (INA) of 1952, 8 U.S.C. 1101, *et seq.*, as amended.

(25) The enforcement of the attestations required by employers under the Immigration and Nationality Act (INA), as amended, pertaining to the employment of nonimmigrant longshore workers (section 258 of the INA, 8 U.S.C. 1288(c)(4)(B)–(F)), and foreign students working off-campus, 8 U.S.C. 1184 note; and enforcement of labor condition applications for employment of nonimmigrant professionals (section 212(n)(2) of the INA, 8 U.S.C. 1182(n)(2)).

(26) Joint responsibility and authority with the Assistant Secretary for Employment and Training for enforcing the Equal Opportunity in Apprenticeship and Training requirements, as identified in Secretary's Order 4–90.

(27) Joint responsibility with the Equal Employment Opportunity Commission (EEOC) for section 107(b) of the Americans with Disabilities Act of 1990; and the regulations pertaining to such section at 41 CFR part 60–742.

(28) The Family and Medical Leave Act of 1993, Public Law No. 103–3, 107 Stat. 6 (February 5, 1993).

(29) The Labor-Management Reporting and Disclosure Act of 1959, as amended, 29 U.S.C. 401, *et seq.*, and section 1209 of the Postal Reorganization Act of 1970, 39 U.S.C. 1209.

(30) Section 701 (Standards of Conduct for Federal Employee Unions) of the Civil Service Reform Act of 1978, 5 U.S.C. 7120; section 1017 of the Foreign Service Act of 1980, 22 U.S.C. 4117; and the regulations pertaining to such sections at 29 CFR part 457 *et seq.*

(31) The implementation and administration of the Secretary of Labor's responsibilities under Executive Order 12800, the Notification of Employee Rights Concerning Payment of Union Dues and Fees.

(32) Such additional Federal acts as from time to time may assign to the Secretary or the Department duties and responsibilities similar to those listed under subparagraphs (1)–(31) of this section, as directed by the Secretary of Labor.

b. *The Assistant Secretary for Administration and Management* is assigned responsibility, in accordance with applicable appropriations enactments, for assuring an orderly and equitable transfer and realignment of resources associated with the programs and functions of the Office of Labor-Management Standards, including assurance of consultation and negotiation, as appropriate, with representatives of the affected employees. The Assistant Secretary for Administration and Management is responsible also for providing or assuring that appropriate administrative and management support is furnished, as required, for the efficient and effective operation of those programs.

c. *The Solicitor of Labor* shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive Orders listed in paragraph 3a above. The bringing of legal proceedings under the statutes and Executive Orders listed in paragraph 3a above, the representation of the Secretary of Labor and/or other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case are delegated exclusively to the Solicitor of Labor.

4. *Reservation of Authority.*

a. The submission of reports and recommendations to the President and the Congress concerning the administration of statutes and Executive Orders listed in section 3a above is reserved to the Secretary.

b. The authority delegated and the responsibilities assigned to the Wage Appeals Board by Secretary's Order 1–91 are reserved.

c. The authority delegated and the responsibilities assigned to the Board of Service Contract Appeals by Secretary's Order 3–92 are reserved.

d. The determination of the application of the ineligible list provisions of Section 3 of the Walsh-Healey Public Contracts Act, 41 U.S.C. 37, is reserved to the Secretary.

e. Decisions under section 103(b)(2) and 503(b)(2) of the Migrant and Seasonal Agricultural Worker Protection Act which permit the Secretary to modify or vacate the decision of an administrative law judge shall also be reserved to the Secretary.

f. Final decisions under paragraph 3(a) (10)–(16), and (23), are reserved to the Secretary.

g. Final decisions under paragraph 6(a)(3) of the Employee Polygraph Protection Act, which provides for collection of civil penalties in the same manner as required by subsections (b) through (e) of section 503 of the Migrant and Seasonal Agricultural Worker Protection Act, are reserved to the Secretary.

h. Final decisions under section 14(c)(5)(F) of the Fair Labor Standards Act which permit the Secretary to modify or vacate the decision of an administrative law judge are reserved to the Secretary.

i. Decisions under section 218(g)(2) and 210A of the INA, as amended, and regulations issued thereunder authorizing the Secretary to modify or vacate the decision of an administrative law judge are reserved to the Secretary.

j. Final decisions under section 212(m)(2)(E) (ii) through (v) of the INA, as amended, 8 U.S.C. 1182(m)(2)(E) (ii) through (v), (relating to the complaints investigation and penalties provision of the attestation process for users of nonimmigrant registered nurses (i.e., H1–A Visas)), and regulations issued thereunder authorizing the Secretary, on discretionary review, to modify or vacate the decisions of an administrative law judge, are reserved to the Secretary.

k. Final decisions under section 258 of the INA, 8 U.S.C. 1288(c)(4) (B)–(F) (relating to the employment of nonimmigrant longshore workers); 8 U.S.C. 1184 note (relating to the employment of nonimmigrant foreign students working off-campus); and section 212(n)(2) of the INA, 8 U.S.C. 1182(n)(2) (relating to the enforcement of labor conditions applications for employment of nonimmigrant professionals); and regulations issued thereunder authorizing the Secretary, on discretionary review, to modify or vacate the decisions of an administrative law judge, are reserved to the Secretary.

l. Final decisions under 29 CFR 530.406–411, authorizing the Secretary, on discretionary review, to modify or vacate the decision of an administrative law judge, are reserved to the Secretary.

m. Except as expressly provided, nothing in this Order shall limit or modify the provisions of any other Order, including Secretary's Order 2–90 (Office of the Inspector General).

5. *Directives Affected.*

(a) Secretary's Order 9–92 is superseded.

(b) All actions previously taken by the Assistant Secretary for Labor-Management Standards or the Office of Labor-Management Standards shall remain in full force and effect, except as they may hereafter be modified or revoked, and the Assistant Secretary for Employment Standards shall be the legal successor to the Assistant Secretary for Labor-Management Standards in relation to such actions.

6. *Effective Date.* This Order is effective immediately.

Robert B. Reich,

Secretary of Labor.

[FR Doc. 93–8972 Filed 4–16–93; 8:45 am]

BILLING CODE 4510–23–M

NATIONAL INSTITUTE FOR LITERACY

National Institute for Literacy Advisory Board; Meeting

AGENCY: National Institute for Literacy Advisory Board, National Institute for Literacy.

ACTION: Notice of closed meeting.

SUMMARY: This Notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Institute for Literacy Advisory Board (Board). This notice also describes the function of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATE AND TIME: May 3, 1993, 10 a.m. to 7 p.m.; May 4, 1993, 8 a.m. to 5:30 p.m..

ADDRESSES: Courtyard Crystal City Marriott, Board Room, 2899 Jefferson Davis Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Thomas R. Hill, Executive Officer, National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006. Telephone (202) 632–1500.

SUPPLEMENTARY INFORMATION: The Board is established under section 384 of the Adult Education Act, as amended by Title I of Public Law 102–73, the National Literacy Act of 1991. The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board is established to advise and make recommendations to the Interagency Group, composed of the Secretaries of Education, Labor, and Health and Human Services, which administers the National Institute for Literacy (Institute). The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in the implementation of any programs to achieve the goals of the Institute. Specifically, the Board performs the following functions: (a) Makes

recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and the Director of the Institute.

In addition, the Institute consults with the Board on the award of fellowships.

On May 3, 1993 from 10 a.m. to 7 p.m. and on May 4, 1993 from 8 a.m. to 5:30 p.m., the meeting of the Board will be closed to the public to interview candidates for the position of Institute Director. Interviews and discussions with the candidates will touch upon matters that will relate solely to the internal personnel rules and practices of an agency; and are likely to disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of Section 552b(c) of the Government in the Sunshine Act (Pub. L. 94–409, 5 U.S.C. 552b(c)).

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of title 5 U.S.C. 552b will be available to the public within fourteen days of the meeting.

Records are kept of all Board proceedings and are available for public inspection at the National Institute for Literacy, 800 Connecticut Avenue, NW, Suite 200, Washington, DC 20006 from 8:30 a.m. to 5 p.m.

Dated: April 13, 1993.

Lilian S. Dorka,

Acting Interim Director, National Institute for Literacy.

[FR Doc. 93–9016 Filed 4–16–93; 8:45 am]

BILLING CODE 6055–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–344]

Exemption

In the matter of Portland General Electric Company (Trojan Nuclear Plant)

I.

The Portland General Electric Company (PGE or the licensee), is the holder of Facility Operating License No. NPF–1 which authorizes possession, operation, and maintenance of the Trojan Nuclear Plant (facility or plant). The licensee provides, among other things, that the plant is subject to all rules, regulations, and orders of the Commission now or hereafter in effect.

The facility is a pressurized water reactor, currently in the process of being decommissioned, and is located in Columbia County, Oregon, on the Columbia River. The plant is shut down and the reactor is defueled.

II.

In a letter dated January 27, 1993, the licensee informed the NRC staff of the PGE decision to permanently cease operations at the Trojan Nuclear Plant. By letter dated February 2, 1993, from the licensee, the NRC staff was informed that PGE had permanently removed the reactor fuel from the reactor vessel at Trojan and placed the fuel in the spent fuel pool. By letter dated February 16, 1993, the licensee requested an exemption to the containment leak testing requirements of 10 CFR 50.54(o) in accordance with 10 CFR 50.12. The specific leak test requirements of 10 CFR 50.54(o) are contained in appendix J to 10 CFR part 50. These leak tests are required to demonstrate the leak tight integrity of the reactor containment.

III.

In the licensee letter of February 16, 1993, the justification presented for the exemption was that the reactor had been defueled and the fuel had been removed from the containment to the spent fuel pool. On March 24, 1993, the NRC staff issued an order confirming the commitment by the licensee, as stated in a letter dated February 17, 1993, not to move fuel back into the containment building at Trojan without prior NRC approval. Therefore, PGE compliance with 10 CFR 50.54(o) is no longer necessary.

The Commission will not consider granting an exemption unless special circumstances are present. In the licensee letter of February 16, 1993, these special considerations are addressed as follows:

10 CFR 50.12(a)(2)(ii)—"Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule * * *"

Licensee response: The testing specified by appendix J to 10 CFR part 50 serves to assure that:

1. Leakage through the primary reactor containment and systems and components penetrating primary containment shall not exceed allowable leakage rate values as specified in the Technical Specifications or associated bases, and

2. Periodic surveillance of the reactor containment penetrations and isolation valves is performed so that proper maintenance and repairs are made during the service life of the containment, and systems and components penetrating primary containment.

The reactor containment and associated systems are provided to establish an essentially leak-tight barrier against the uncontrolled release of radioactivity to the environment as a result of design basis accidents associated with reactor operations. Removal of the fuel from the containment eliminated the significant source of radioactivity potentially available for release from the containment and the primary source of energy for creating a differential pressure to cause leakage across the containment barrier. PGE has concluded that there are no longer any credible design basis conditions that require the containment to perform as an essentially leak-tight barrier. Therefore, further periodic verification by tests of the leak-tight integrity of the primary reactor containment and systems and components which penetrate containment would not serve the underlying purpose of the rule.

IV.

The staff agrees with the licensee analyses as presented in Section III above and concludes that sufficient bases have been presented for our approval of the exemption request. Accordingly, the staff finds that there are special circumstances presented that satisfy the requirements of 10 CFR 50.12(a)(2)(ii).

V.

Based on the above evaluation, the Commission has determined that pursuant to 10 CFR 50.12(a)(1), this exemption is authorized by law, will not present an undue risk to the public health and safety and is consistent with the common defense and security.

Accordingly, the Commission hereby grants an exemption to all requirements contained within 10 CFR 50.54(o) and 10 CFR part 50, appendix J for the Trojan Nuclear Plant, provided, however, that this exemption will terminate in the event that the licensee seeks to resume operation of the facility.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (58 FR 19142—April 12, 1993).

Dated at Rockville, Maryland, this 12th day of April 1993.

For the Nuclear Regulatory Commission.

Brian K. Grimes,

Director, Division of Operating Reactor Support, Office of Nuclear Reactor Regulation.

[FR Doc. 93–9066 Filed 4–16–93; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Application To Withdraw From Listing and Registration; (Environment One Corp., Common Stock, $.10 Par Value)

[File No. 1-7037]

April 13, 1993.

Environment One Corporation ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, its Board of Directors (the "Board") unanimously approved resolutions on February 23, 1993, to withdraw the Company's Common Stock from listing on the BSE and, continue to list such Common Stock on the National Association of Securities Dealers Automated Quotations/National Market Systems ("NASDAQ/NMS"). According to the Company, the decision of the Board followed a lengthy study of the matter, and our records show that listing of the Common Stock on NASDAQ is more beneficial to its stockholders than the present listing on the BSE because:

(1) The Company states that since it has been on the NASDAQ system for 20 months, the NASDAQ system of competing marketmakers has resulted in increased visibility and sponsorship for its Common Stock, than is presently the case with the single specialist assigned to the stock on the BSE;

(2) The Company believes that the NASDAQ/NMS system offers the Company's stockholders more liquidity than that presently available on the BSE and less volatility in quoted prices per share when trading volume is slight; and

(3) The Company believes that the NASDAQ/NMS system offers the opportunity for the Company to secure its own group of market-makers and, in doing so, expand the capital base available for trading in its Common Stock.

Any interested person may, on or before May 4, 1993, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-9074 Filed 4-16-93; 8:45 am]

BILLING CODE 8010-01-M

Issuer Delisting; Application To Withdraw From Listing and Registration; (Hecla Mining Co., Common Stock $.25 Par Value; Liquid Yield Option Note Due 6/14/2004)

[File No. 1-8491]

April 13, 1993.

Hecla Mining Company ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, it decided to withdraw the above-specified securities from listing on the PSE due to the lack of utility and the redundancy of maintaining two markets for the Company's securities. Additionally, in light of continuing weak market prices for the Company's metals, the Company needs to reduce its costs of doing business, and the fees charged by PSE were deemed to be one area where the Company should reduce its costs. The Company's securities will continue to be traded on the New York Stock Exchange, Inc. ("NYSE").

Any interested person may, on or before May 4, 1993, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 93-9073 Filed 4-16-93; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-19400; 812-7897]

Prudential Adjustable Securities Fund, Inc., et al.; Application for Exemption

April 12, 1993.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 ("Act").

APPLICANTS: Prudential Adjustable Rate Securities Fund, Inc., Prudential California Municipal Fund, Prudential Equity Fund, Prudential Equity Income Fund, Prudential FlexiFund, Prudential Global Fund, Inc., Prudential Global Genesis Fund, Prudential Global Natural Resources Fund, Prudential GNMA Fund, Prudential Government Plus Fund, Prudential Government Securities Trust, Prudential Growth Fund, Inc., Prudential Growth Opportunity Fund, Prudential High Yield Fund, Prudential IncomeVertible Fund, Inc., Prudential Intermediate Global Income Fund, Inc., Prudential Multi-Sector Fund, Inc., Prudential Municipal Bond Fund, Prudential Municipal Series Fund, Prudential National Municipals Fund, Prudential Pacific Growth Fund, Inc., Prudential Short-Term Global Income Fund, Inc., Prudential Structured Maturity Fund, Prudential U.S. Government Fund, Prudential Utility Fund, The BlackRock Government Income Trust, Global Utility Fund, Inc., Nicholas-Applegate Fund, Inc. (collectively, the "Existing Funds"), Prudential Securities Incorporated ("PSI"), Prudential Mutual Fund Management, Inc. ("PMF"), and Prudential Mutual Fund Distributors, Inc. ("PMFD"), for themselves and on behalf of any non-money market open-end management investment companies to be established in the future (a) whose investment adviser or administrator is PMF, PSI, or a person controlling, controlled by, or under common control with PMF or PSI (each, a "Manager"), (b) whose principal underwriter is PMFD, PSI, or a person controlling, controlled by, or under common control with PMFD or PSI (each, a "Distributor"), and (c) that hold

themselves out to investors as being related to the Existing Funds for purposes of investment and investor services ("Future Funds," and together with the Existing Funds, the "Funds").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) of the Act from sections 2(a)(32), 2(a)(35), 18(f), 18(g), 18(i), 22(c), and 22(d) of the Act, and rule 22c–1 thereunder.

SUMMARY OF APPLICATION: Applicants seek an order that would permit the Funds (a) to issue and sell an unlimited number of classes of shares (including two classes already existing) representing interests in the same investment portfolio, which classes would be identical except for differences related to voting rights, exchange privileges, conversion features, the allocation of certain expenses, and class designation, and (b) to assess, and in certain circumstances to waive, reduce, or defer, a contingent deferred sales charge ("CDSC").

FILING DATE: The application was filed on March 30, 1992, and amended and restated on November 9, 1992, March 1, 1993, and April 9, 1993.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 7, 1993, and should be accompanied by proof of service on the applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicants, One Seaport Plaza, New York, NY 10292.

FOR FURTHER INFORMATION CONTACT: Barry A. Mendelson, Senior Attorney, at (202) 504–2284, or C. David Messman, Branch Chief, at (202) 272–3018 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicants' Representations

1. Each of the Existing Funds is, and each of the Future Funds will be, a non-money market open-end management investment company registered under the Act. PMF serves as investment adviser for all of the Existing Funds. PMFD and PSI serve as the distributors of the Class A and Class B shares, respectively, of the Existing Funds. PMF and PSI are indirect, wholly-owned subsidiaries of The Prudential Insurance Company. PMFD is a wholly-owned subsidiary of PMF.

2. The Existing Funds currently are authorized to offer two classes of shares, designated Class A and Class B, that correspond to the Existing Front-End Load Option and the Existing CDSC Option described below.[1] Applicants now propose to establish a multiple class distribution system that would permit the Funds to create a potentially unlimited number of new classes representing different pricing schemes (all such classes are together referred to as the "Alternative Purchase Plans"). Initially, the Funds will be able to select from among the six classes described below, but applicants reserve the right to create additional classes that represent additional pricing schemes.

3. In compliance with the amendments to Article III, Section 26 of the NASD's Rules of Fair Practice, the Funds will adopt plans in accordance with rule 12b–1 under the Act ("Rule 12b–1 Plans") authorizing the imposition of an "asset-based sales charge" of up to .75% of net assets (annualized) and a "service fee" of up to .25% of net assets (annualized) to compensate persons selling shares of the Funds for the provision of personal services and/or the maintenance of shareholder accounts (collectively, "Rule 12b–1 Fees").

4. The six initially contemplated classes will have the following characteristics:

Class	Front-End Load	CDSC	12b–1 Fees
Existing Front-End Load Option	4–5¼%	No[1]	.25–.30%
Higher Front-End Load Option	Up to maximum permitted	No[1]	None
Low Front-End Load/CDSC Option	Under 4%	Yes	.10–.30%
Existing CDSC Option	None	Yes	.50–1.0%
Pay-As-You-Go Option	None	[2]	Up to 1.0%
No-Load Option	None	No	[3]

[1] Funds may choose to assess a CDSC, however, on certain redemptions of Existing Front-End Load Option and Higher Front-End Load Option shares sold pursuant to a full waiver of the applicable front-end sales charge if such shares are redeemed within one year of purchase.
[2] A CDSC may be imposed on investors in the Pay-As-You-Go Option class on redemptions made within one year of purchase.
[3] Investors purchasing shares of the No-Load Option may be subject to a very low Rule 12b–1 Fee.

5. Each class of shares offered by a Fund will represent interests in the same portfolio of investments of that Fund, and will be identical in all respects except as set forth in condition 1 below.

6. Applicants believe that the Alternative Purchase Plans are necessary to meet intense competition among investment companies for investor dollars. The flexible options will permit each Fund to select the precise combination of distribution methods it finds most suitable for its investors, and will then permit each investor to choose the option that most directly meets his or her needs.

7. Investors purchasing classes imposing front-end loads or CDSCs (i.e., all options other than the Pay-As-You-Go and No-Load Options) may be eligible for discounts for quantity purchases or under rights of accumulation or letters of intent. In addition, the front-end loads may be waived in special circumstances for specified groups of investors to be designated in each Fund's prospectus, and the CDSCs may be waived, reduced, or deferred as described more fully below.

8. An investor's proceeds from a redemption of Existing CDSC Option

[1] See Prudential-Bache California Municipal Fund, Investment Company Act Release Nos. 17277 (Dec. 20, 1989) (notice) and 17308 (Jan. 18, 1990) (order).

shares, as well as the proposed Low Front-End Load/CDSC Option shares (collectively referred to, together with the shares of any future classes that have a CDSC component, as "CDSC Shares"), made within a specified period (typically one to six years) of his or her purchase, may be subject to a CDSC paid to the Distributor. The CDSC typically ranges from 1% to 5% (but may be higher or lower) on shares redeemed in the first year after purchase, and typically is reduced at a rate of 1% per annum over the applicable CDSC period. The CDSC will not be imposed on redemptions of those CDSC Shares that were purchased more than a specified period prior to the redemptions or on the CDSC Shares derived from reinvestment of dividends or other distributions. Furthermore, no CDSC will be imposed on an amount that represents an increase in the value of the CDSC Shares resulting from capital appreciation above the amount paid for those shares.

9. Applicants contemplate that each of the proposed classes of a Fund will be exchangeable (a) for the same class of another Fund, (b) for a different class of another Fund that has a similar characteristic pricing structure and/or Rule 12b–1 Fees, among other things (to the extent such a class exists), and (c) for shares of certain money market funds sponsored by the Manager. In addition, applicants anticipate that CDSC Shares of a Fund held by certain retirement and deferred compensation plans will be exchangeable for shares of other classes within the same Fund that impose lower Rule 12b–1 Fees. Finally, shares of money market funds sponsored by the Manager may be exchanged for shares of any of the available classes of the Funds, subject to the front-end load or CDSC that would apply to the initial purchase of such Fund shares. All exchanges not effected at relative net asset value will be made in accordance with rule 11a–3.

10. Shares of one or more classes ("Higher 12b–1 Option" classes) may convert automatically after a period of time (one to eight years or more after purchase) to shares of another class without the imposition of any additional sales charge, and thereafter be subject to the lower Rule 12b–1 Fee, if any, applicable to that other class (the "Lower 12b–1 Option" classes). Higher 12b–1 Option shares in a shareholder's fund account that were purchased through the reinvestment of dividends and other distributions paid in respect of Higher 12b–1 Option shares will be considered to be held in a separate sub-account. Each time any Higher 12b–1 Option shares in the shareholder's fund account convert to shares of a Lower 12b–1 Option class, all of the Higher 12b–1 Option shares then in the sub-account will also convert to shares of the Lower 12b–1 Option class. Any conversion features adopted by a Fund will be described in its prospectus. The purpose of a conversion feature would be to relieve the holders of Higher 12b–1 Option shares from the higher Rule 12b–1 Plan Fees associated with the shares after the Distributor has been compensated for related distribution and/or servicing expenses.

11. For any given Fund, gross income and expenses will be allocated to each class of shares based on the net assets attributable to each class at the beginning of the day, except that Rule 12b–1 Fees and transfer agency fees will be allocated to the particular class to which they are properly attributable. Because of the different Rule 12b–1 Fees and transfer agency fees paid by the shareholders of the various classes, the net income attributable to and the dividends payable on each of the classes will vary. The net asset value per share of each class will be calculated by dividing the net assets of each class by the number of shares outstanding in that class.

12. Applicants are requesting authority to waive the CDSC assessed on redemptions of CDSC Shares in the following circumstances: (a) On redemptions following the death or disability of a shareholder; (b) on redemptions in connection with certain distributions specified in the application—generally, distributions permitted to be made without penalty pursuant to the Internal Revenue Code ("IRC")—from a tax-deferred retirement plan, Individual Retirement Account, custodial account maintained pursuant to IRC section 403(b)(7), or pension or profit-sharing plan; (c) on redemptions by trust accounts following the death or disability of the beneficiary or the grantor, trustee, or other fiduciary; (d) on redemptions of shares purchased through a PSI financial adviser with the proceeds from the sale of any unaffiliated open-end investment company other than a money market fund, provided that there was no deferred sales load, fee, or other charge imposed in connection with such sale [2] and further provided that the purchase order for Fund shares was received by PSI within 90 days after the redemption of shares of the other fund; (e) on redemptions by profit-sharing or stock bonus plans upon hardship of any employee; (f) on redemptions pursuant to a qualified domestic affairs order, as defined in IRC section 414(p); (g) on redemptions by pension, profit-sharing, or stock bonus plans under IRC section 401 and deferred compensation and annuity plans under IRC sections 457 and 403(b)(7) ("Benefit Plans") whose accounts are held directly with the Funds' transfer agent and for which the transfer agent does individual account record-keeping ("Direct Account Benefit Plans") of shares originally purchased subject to a CDSC and subsequently exchanged for shares of a class that imposes lower Rule 12b–1 Fees, pursuant to an exchange privilege afforded to such plans with total assets in excess of a specified dollar amount; (h) on redemptions effected for the purpose of investing through personal trust accounts that are part of The Prudential Bank Personal Trust Program; (i) on redemptions of shares purchased with dividends or distributions earned in other Funds; (j) on redemptions made in connection with a systematic withdrawal plan; (k) on redemptions by directors/trustees and officers of the Funds and employees of PSI, PMF, The Prudential Insurance Company of America, and their subsidiaries; (l) on redemptions by retirement plans under IRC section 401(k), by Direct Account Benefit Plans, and by Benefit Plans sponsored by PSI or its subsidiaries ("PSI or Subsidiary Prototype Benefit Plans"),[3] where the shares being redeemed were acquired with amounts used to repay a loan from such plans and on which a CDSC previously was imposed; (m) on redemptions by Direct Account Benefit Plans and PSI or Subsidiary Prototype Benefit Plans that represent borrowings from such plans; and (n) on redemptions of shares followed by reinvestment in the same Fund within 30 days (the Distributor would provide

[2] Applicants will take such steps as may be necessary to determine that the shareholder has not paid a deferred sales load, fee, or other charge in connection with the redemption of the unaffiliated company's shares including, without limitation, requiring the shareholder to provide a written representation that neither a deferred sales load, fee, nor other charge was imposed upon the redemption, and, in addition, either (a) requiring the shareholder to provide an activity statement reflecting the redemption that supports the shareholder's representation, or (b) reviewing a copy of the current prospectus of the other open-end investment company and determining that such other company does not impose a deferred sales load, fee, or other charge in connection with the redemption of its shares.

[3] A prototype plan is an IRS-approved plan that is made available by a sponsoring organization (brokerage firm, mutual fund, bank, insurance company, or other investment management firm) to its clients, who elect available options. The prototype plan consists of a basic plan document and an adoption agreement under which a separate trust is established for the client.

a *pro rata* credit upon reinvestment for any CDSC previously paid).

13. Applicants also request authority to defer imposition of the CDSC (a) on redemptions representing borrowings by Direct Account Benefit Plans and PSI or Subsidiary Prototype Benefit Plans (which will be subject to the applicable CDSC calculated without regard to the time that the loan was outstanding); and (b) on redemptions of shares acquired through an exchange (which will be subject to the CDSC of the Fund involved in the original purchase).

Applicants' Legal Analysis

1. Applicants request an order pursuant to section 6(c) of the Act exempting them from sections 18(f)(1), 18(g), and 18(i) to the extent the issuance and sale of the Alternative Purchase Plans might be deemed: (a) To result in a "senior security" within the meaning of section 18(g), the issuance and sale of which is prohibited by section 18(f)(1), and (b) to violate the equal voting provisions of section 18(i).

2. Section 18 was designed to protect investors from investment companies that, among other things, engaged in excessive borrowing, issued excessive amounts of senior securities (increasing unduly the speculative nature of the company's junior securities), and operated without adequate assets or reserves. The Alternative Purchase Plans do not create the potential for the abuses that section 18 was designed to redress. They do not involve borrowings and do not adversely affect the Funds' existing assets or reserves. They will not increase the speculative character of the Funds' shares. No class of shares will have a distribution or liquidation preference with respect to particular assets of a Fund, and no class will be protected by any reserve or other account. The Funds' capital structures under the proposed Alternative Purchase Plans will not induce any group of shareholders to invest in risky securities and will not enable insiders to manipulate the expenses and profits among the various classes of shares. The concerns that complex capital structures may facilitate control without equity or other investment and make it difficult for investors to value Fund shares do not arise under the proposed Alternative Purchase Plans. Finally, applicants note that the classes of securities that were present in the capital structures that prompted the adoption of section 18 (funded debt, preference stocks, and convertible securities) are not present in their proposal.

3. Under the Alternative Purchase Plans, investors will be able to benefit from the additional safety and stability resulting from investing in established, sizeable investment portfolios. If applicants were to establish separate portfolios in lieu of separate classes, investors would be adversely affected. Separate portfolios would be smaller in asset size, necessitating greater expenses per share for fixed fund expenses and investment advisory fees, and possibly hampering effective management. Each new portfolio would incur duplicative start-up and continuing expenses.

4. Applicants believe that the proposed allocation of expenses and voting rights relating to the Rule 12b–1 Plans is equitable and will not discriminate against any group of shareholders. Although investors purchasing some classes of shares will pay lower Rule 12b–1 Fees than would others, each class of shares will have exclusive voting rights on matters affecting its Rule 12b–1 Plan. Moreover, because the rights and privileges of all classes of a Fund's shares will be substantially identical, the possibility that their interests will conflict is remote.

5. Applicants also request an exemption pursuant to section 6(c) from selections 2(a)(32), 2(a)(35), 22(c), and 22(d) of the Act, and rule 22c–1 thereunder, to the extent necessary to permit the Funds to assess a CDSC on certain redemptions of CDSC Shares, and to waive or defer the CDSC in certain circumstances.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

1. Each class of shares will represent interests in the same portfolio of investments of a Fund, and will be identical in all respects, except as set forth below. The only differences among classes of the same Fund will relate solely to: (a) The impact of the disproportionate Rule 12b–1 Fees, any higher incremental transfer agency costs attributable solely to the classes, and any other incremental expenses subsequently identified that should be properly allocated to one or more classes and which shall be approved by the SEC pursuant to an amended order; (b) the fact that the classes will vote separately with respect to the Rule 12b–1 Plan, if any, adopted by each class of each Fund, except as set forth in condition 14 below; (c) the difference in exchange privileges of the classes of shares; (d) the designation of each class of shares of each Fund; and (e) the difference in conversion features of the classes of shares.

2. The Directors/Trustees of the Funds, including a majority of the independent Directors/Trustees, will approve the creation and issuance of any new classes of shares in their respective Funds. The minutes of the meetings of the Directors/Trustees of each of the participating Funds regarding the deliberations of the Directors/Trustees with respect to the approvals necessary to add or change a class of shares will reflect in detail the reasons for determining that offering any of the proposed Alternative Purchase Plans is in the best interest of the Funds and their respective shareholders.

3. On an ongoing basis, the Directors/Trustees of the Funds, pursuant to their fiduciary responsibilities under the Act and otherwise, will monitor each Fund for the existence of any material conflicts between the interests of the various classes of shares offered by each Fund. The Directors/Trustees, including a majority of the independent Directors/Trustees, shall take such action as is reasonably necessary to eliminate any such conflicts that may develop. The Manager and the Distributor will be responsible for reporting any potential or existing conflicts to the Directors/Trustees. If a conflict arises, the Manager and the Distributor at their own cost will remedy such conflict up to and including, if necessary, establishing new registered management investment companies.

4. The Directors/Trustees of the Funds will receive quarterly and annual statements concerning distributions and shareholder servicing expenditures complying with paragraph (b)(3)(ii) of rule 12b–1, as it may be amended from time to time. In the statements, only distribution expenditures properly attributable to the sale or servicing of a particular class of shares will be used to justify the Rule 12b–1 Fee charged to that class. Expenditures not related to the sale or servicing of a particular class will not be presented to the Directors/Trustees to justify Rule 12b–1 Fees charged to shareholders of that class. The statements, including the allocation upon which they are based, will be subject to the review and approval of the independent Directors/Trustees in the exercise of their fiduciary duties.

5. Dividends paid by a Fund with respect to its various classes of shares, to the extent any dividends are paid, will be calculated in the same manner, at the same time, on the same day, and will be in the same amount, except that Rule 12b–1 Fee payments relating to each respective class of shares will be borne exclusively by that class and any incremental transfer agency costs relating to a particular class of shares will be borne exclusively by that class.

6. The methodology and procedures for calculating the net asset value and dividends and distributions of multiple classes and the proper allocation of expenses among them have been reviewed by an expert (the "Independent Examiner") who has rendered a report to the applicants, which has been provided to the staff of the SEC, that such methodology and procedures are adequate to ensure that such calculations and allocations will be made in an appropriate manner. On an ongoing basis, the Independent Examiner, or an appropriate substitute Independent Examiner, will monitor the manner in which the calculations and allocations are being made and, based upon such review, will render at least annually a report to the Funds that the calculations and allocations are being made properly. The reports of the Independent Examiner shall be filed as part of the periodic reports filed with the SEC pursuant to sections 30(a) and 30(b)(1) of the Act. The work papers of the Independent Examiner with respect to such reports, following request by a Fund (which each Fund agrees to provide), will be available for inspection by the SEC staff upon the written request to the Fund for such work papers by a senior member of the Division of Investment Management, limited to the Director, an Associate Director, the Chief Accountant, the Chief Financial Analyst, an Assistant Director, and any Regional Administrators or Associate and Assistant Administrators. The initial report of the Independent Examiner is a "Report on Policies and Procedures Placed in Operation" and the ongoing reports will be "Reports on Policies and Procedures Placed in Operation and Tests of Operating Effectiveness" as defined and described in SAS No. 70 of the AICPA, as it may be amended from time to time, or in similar auditing standards as may be adopted by the AICPA from time to time.

7. Applicants have adequate facilities in place to ensure implementation of the methodology and procedures for calculating the net asset value and dividends and distributions of the various classes of shares and the proper allocation of expenses among the various classes of shares and this representation has been concurred with by the Independent Examiner in the initial report referred to in condition (6) above and will be concurred with by the Independent Examiner, or an appropriate substitute Independent Examiner, on an ongoing basis at least annually in the ongoing reports referred to in condition (6) above. Applicants will take immediate corrective action if this representation is not concurred in by the Independent Examiner or appropriate substitute Independent Examiner.

8. The prospectus of each Fund will contain a statement to the effect that a salesperson and any other person entitled to receive compensation for selling or servicing Fund shares may receive different levels of compensation with respect to one particular class of shares over another in the Fund.

9. The Distributor will adopt compliance standards as to when each class of shares may appropriately be sold to particular investors. Applicants will require all persons selling shares of the Funds to conform to such standards.

10. The conditions pursuant to which the exemptive order is granted and the duties and responsibilities of the Directors/Trustees of the Funds with respect to the Alternative Purchasing Plans will be set forth in guidelines which will be furnished to the Directors/Trustees.

11. Each Fund will disclose the respective expenses, performance data, distribution arrangements, services, fees, sales load, deferred sales load, conversion features, and exchange privileges applicable to each class of shares in every prospectus, regardless of whether all classes of shares are offered through each prospectus. Each Fund will disclose the respective expenses and performance data applicable to all classes of shares in every shareholder report. The shareholder reports will contain, in the statement of assets and liabilities and statement of operations, information related to the Fund as a whole generally and not on a per class basis. Each Fund's per share data, however, will be prepared on a per class basis with respect to all classes of shares of such Fund. To the extent any advertisement or sales literature describes the expenses or performance data applicable to a particular class of shares, it will also disclose the expenses and/or performance data applicable to all classes of shares. The information provided by applicants for publication in any newspaper or similar listing of the Funds' net asset values and public offering prices will present each class of shares separately.

12. The applicants acknowledge that the grant of the exemptive order requested by this application will not imply SEC approval, authorization or acquiescence in any particular level of payments that the Funds may make pursuant to their rule 12b–1 distribution plans in reliance on the exemptive order.

13. Any class of shares with a conversion feature ("Purchase Class") will convert into another class ("Target Class") of shares on the basis of the relative net asset values of the two classes, without the imposition of any sales load, fee, or other charge. After conversion, the converted shares will be subject to an asset-based sales charge and/or service fee (as those terms are defined in Article III, Section 26 of the NASD's Rules of Fair Practice), if any, that in the aggregate are lower than the asset-based sales charge and service fee to which they were subject prior to the conversion.

14. If a Fund implements any amendment to a rule 12b–1 plan (or, if presented to shareholders, adopts or implements any amendment of a non-rule 12b–1 shareholder services plan) that would increase materially the amount that may be borne by a Target Class under the plan, Purchase Class shares will stop converting into shares of such Target Class unless Purchase Class shareholders, voting separately as a class, approve the amendment. The Directors/Trustees shall take such action as is necessary to ensure that existing Purchase Class shares are exchanged or converted into a new class of shares ("New Target Class"), identical in all material respects to Target Class shares as they existed prior to implementation of the amendment, no later than the date such shares previously were scheduled to convert into Target Class shares. If deemed advisable by the Directors/Trustees to implement the foregoing, such action may include the exchange of all existing Purchase Class shares for a new class ("New Purchase Class") of shares, identical to existing Purchase Class shares in all material respects except that the New Purchase Class will convert into the New Target Class. The New Target Class and New Purchase Class may be formed without further exemptive relief. Exchanges or conversions described in this condition shall be effected in a manner that the Directors/Trustees reasonably believe will not be subject to federal taxation. In accordance with condition 3, any additional cost associated with the creation, exchange, or conversion of the New Target Class or New Purchase Class shall be borne solely by the Adviser and the Distributor. Purchase Class shares sold after the implementation of the amendment may convert into Target Class shares subject to the higher maximum payment, provided that the material features of the Target Class plan and the relationship of such plan to the Purchase Class are disclosed in an effective registration statement.

15. Applicants will comply with the provisions of proposed rule 6c–10 under the Act, as such rule is currently proposed and as it may be reproposed, adopted or amended.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 93–9075 Filed 4–16–93; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice 1789]

United States Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group A Meeting

The Department of State announces that the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) Study Group A will meet on May 17, at 9 a.m. in room 1205, at the Department of State, 2201 C Street, NW., Washington, DC 20520.

The agenda for this meeting will include a debrief of the April 20 to 30 Geneva meeting of the International Telecommunications Union Telecommunication Standardization (ITU–TS) Study Group 1 (TSSG #1).

This meeting will also include consideration of U.S. Contributions, final preparations, and delegation makeup for the upcoming meetings of the Telecommunication Standardization (TS) Study Groups 2 and 3, June 1–11, 1993 and June 14–18, 1993 respectively.

Members of the general public may attend these meetings and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meetings. Persons who plan to attend should advise the Office of Earl Barbely, Department of State, (202) 647–0201, FAX (202) 647–7407. The above includes government and non-government attendees. Public visitors will be asked to provide their date of birth and Social Security number at the time they register their intention to attend and must carry a valid photo ID with them to the meeting in order to be admitted. All attendees must use the C Street entrance.

Please bring 50 copies of documents to be considered at these meetings. If the document has been mailed to the membership, bring only 10 copies.

Dated: April 6, 1993.

Earl Barbely,

Director, Telecommunications and Information Standards, Chairman, U.S. CCITT National Committee.

[FR Doc. 93–9009 Filed 4–16–93; 8:45 am]

BILLING CODE 4710–45–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Flight Service Station at Youngstown Municipal Airport; Youngstown, Ohio

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of closing.

SUMMARY: Notice is hereby given that on or about March 24, 1993, the Flight Service Station (FSS) at Youngstown, Ohio will be permanently closed. Services to the aviation public in the Youngstown flight plan area, formerly provided by Youngstown FSS, are being provided by the Automated Flight Service Station (AFSS) at Cleveland, Ohio. This information will be reflected in the FAA organization statement the next time it is reissued.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354.)

William C. Withycombe,

Deputy Regional Administrator, Great Lakes Region.

[FR Doc. 93–9088 Filed 4–16–93; 8:45 am]

BILLING CODE 4910–13–M

Index of Administrator's Decisions and Orders in Civil Penalty Actions; Publication

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of publication.

SUMMARY: This notice constitutes the required quarterly publication of an index of the Administrator's decisions and orders in civil penalty cases. The FAA is publishing an index by order number, a subject-matter index, and case digests that contain identifying information about the final decisions and orders issued by the Administrator. These indexes and digests will increase the public's awareness of the Administrator's decisions and orders and will assist litigants and practitioners in their research and review of decisions and orders that may have precedential value in a particular civil penalty action. Publication of the index by order number, as supplemented by the subject-matter index, ensures that the agency is in compliance with statutory indexing requirements.

FOR FURTHER INFORMATION CONTACT: James S. Dillman, Assistant Chief Counsel for Litigation (AGC–400), Federal Aviation Administration, 701 Pennsylvania Avenue NW., suite 925, Washington, DC 20004, telephone: (202) 376–6441.

SUPPLEMENTARY INFORMATION: The Administrative Procedure Act requires Federal agencies to maintain and make available for public inspection and copying current indexes that contain identifying information as to those materials required to be made available or published. 5 U.S.C. 552(a)(2). In a notice issued on July 11, 1990, and published in the Federal Register (55 FR 29148; July 17, 1990), the FAA announced the public availability of several indexes and summaries that provide identifying information about the final decisions and orders issued by the Administrator under the FAA's civil penalty assessment authority and the rules of practice governing hearings and appeals of civil penalty actions. 14 CFR part 13, subpart G. The FAA maintains an index of the Administrator's decisions and orders in civil penalty actions organized by order number and containing identifying information about each decision or order. The FAA also maintains a subject-matter index, and digests organized by order number.

In a notice issued on October 26, 1990, the FAA published these indexes and digests for all decisions and orders issued by the Administrator through September 30, 1990. (55 FR 45984; October 31, 1990.) The FAA announced in that notice that it would publish supplements to these indexes and digests on a quarterly basis (*i.e.*, in January, April, July, and October of each year). The FAA announced further in that notice that only the subject-matter index would be published cumulatively, and that both the order number index and the digests would be non-cumulative.

Since that first index was issued on October 26, 1990 (55 FR 45984; October 31, 1990), the FAA has issued supplementary notices containing the quarterly indexes of the Administrator's civil penalty decisions as follows:

Dates of quarter	Federal Register publication
10/1/90–12/31/90 ...	56 FR 44886; 2/6/91.
1/1/91–3/31/91	56 FR 20250; 5/2/91.
4/1/91–6/30/91	56 FR 31984; 7/12/91.
7/1/91–9/30/91	56 FR 51735; 10/15/91.
10/1/91–12/31/91 ...	57 FR 2299; 1/21/92.
1/1/92–3/31/92	57 FR 12359; 4/9/92.

Dates of quarter	Federal Register publication
4/1/92–6/30/92	57 FR 32825; 7/23/92.
7/1/92–9/30/92	57 FR 48255; 10/22/92.
10/1/92–12/31/92 ...	58 FR 5044; 1/19/93.

In the notice published on January 19, 1993, the Administrator announced that for the convenience of the users of these indexes, the order number index published at the end of the year would reflect all of the civil penalty decisions for that year. 58 FR 5044; 1/19/93. The order number indexes for the first, second, and third quarters would be non-cumulative.

As noted at the beginning of the subject-matter index and the digests, these indexes and digests do not constitute legal authority, and should not be cited or relied upon as such. The indexes and digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context. The Administrator's final decisions and orders, indexes, and digests are available for public inspection and copying at all FAA legal offices. (The addresses of the FAA legal offices are listed at the end of this notice.)

In addition, the Administrator's final decisions and orders have been published by commercial publishers and are available on computer databases. (Information about these commercial publications and computer databases is provided at the end of this notice.)

Civil Penalty Actions—Orders Issued by the Administrator

Order Number Index

(This index includes all decisions and orders issued by the Administrator from January 1, 1993 to March 31, 1993.)

Order No. (service date)	Name and docket No.
93–1 (1/11/93)	Powell & Co., 88–23 (HM).
93–2 (1/13/93)	Michael Edward Wendt, CP92GL0418; 92EAJAGL0008.
93–3 (1/15/93)	Michael Edward Wendt, CP92GL0418; 92EAJAGL0008.
93–4 (2/10/93)	Diane R. Harrah, CP91SO0476.
93–5 (2/9/93)	Michael Edward Wendt, CP92GL0418; 92EAJAGL0008.
93–6 (3/16/93)	Westair Commuter Airlines, CP92NM0042.
93–7 (3/19/93)	James Vincent Dunn, CP92SW0399.
93–8 (3/24/93)	Raul Nunez, CP92SO0028.
93–9 (3/25/93)	Michael Edward Wendt, CP92GL0418; EAJA No. 92EAJAGL0008.
93–10 (3/25/93) ..	Michael John Costello, CP89WP0351.
93–11 (3/25/93) ..	Thoral Merkley, CP92GL0254.
93–12 (3/25/93) ..	Carl P. Langton, CP92AL0417.
93–13 (3/25/93) ..	Vincent J. Medel, CP91SO0180.
93–14 (3/29/93) ..	Dan R. Fenske, CP92WP0370.

Civil Penalty Actions—Decisions Issued by the Administrator

Subject Matter Index

(Current as of March 31, 1993)

This index does not constitute legal authority, and should not be cited or relied upon as such. This index is not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

13.211	89–6 American Airlines; 89–7 Zenkner; 90–3 Metz; 90–11 Thunderbird Accessories; 90–39 Hart; 91–24 Esau; 92–1 Costello; 92–9 Griffin; 92–18 Bargen; 92–19 Cornwall; 92–57 Detroit Metro. Wayne Co. Airport; 92–74 Wendt; 92–76 Safety Equipment; 93–2 Wendt.
13.212	90–11 Thunderbird Accessories; 91–2 Continental Airlines.
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13.214	91–3 Lewis.
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13.217	91–17 KDS Aviation.
13.218	89–6 American Airlines; 90–11 Thunderbird Accessories; 90–39 Hart; 92–9 Griffin; 92–73 Wyatt.
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13.220	89–6 American Airlines; 90–20 Carroll; 91–8 Watts Agricultural Aviation; 91–17 KDS Aviation; 91–54 Alaska Airlines; 92–46 Sutton-Sautter.
13.221	92–29 Haggland; 92–31 Eaddy; 92–52 Cullop.
13.222	92–72 Giuffrida.
13.223	91–12 & 91–31 Terry & Menne; 92–72 Giuffrida.
13.224	90–26 Waddell; 91–4 [Airport Operator]; 92–72 Giuffrida.
13.225.	
13.226.	
13.227	90–21 Carroll.
13.228	92–3 Park.
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13.230	92–19 Cornwall.
13.231	92–3 Park.
13.232	89–5 Schultz; 90–20 Degenhardt; 92–1 Costello; 92–18 Bargen; 92–32 Barnhill.
13.233	89–1 Gressani; 89–4 Metz; 89–5 Schultz; 89–7 Zenkner; 89–8 Thunderbird Accessories; 90–3 Metz; 90–11 Thunderbird Accessories; 90–19 Continental Airlines; 90–20 Degenhardt; 90–25 & 90–27 Gabbert; 90–35 P. Adams; 90–19 Continental Airlines; 90–39 Hart; 91–2 Continental Airlines; 91–3 Lewis; 91–7 Pardue; 91–8 Watts Agricultural Aviation; 91–10 Graham; 91–11 Continental Airlines; 91–12 Bargen; 91–24 Esau; 91–26 Britt Airways; 91–31 Terry & Menne; 91–32 Bargen; 91–43 Delta; 91–44 Delta; 91–45 Park; 91–46 Delta; 91–47 Delta; 91–48 Wendt; 91–52 KDS Aviation; 91–53 Koller; 92–1 Costello; 92–3 Park; 92–7 West; 92–11 Alilin; 92–15 Dillman; 92–16 Wendt; 92–18 Bargen; 92–19 Cornwall; 92–27 Wendt; 92–32 Barnhill; 92–34 Carrell; 92–35 Bay Land Aviation; 92–36 Southwest Airlines; 92–39 Beck; 92–45 O'Brien; 92–52 Beck; 92–56 Montauk Caribbean Airways; 92–57 Detroit Metro. Wayne Co. Airport; 92–67 USAir, Inc.; 92–69 McCabe; 92–72 Giuffrida; 92–74 Wendt; 92–78 TWA; 93–5 Wendt; 93–6 Westair Commuter; 93–7 Dunn; 93–8 Nunez.
13.234	90–19 Continental Airlines; 90–31 Carroll; 90–32 Continental Airlines; 90–38 Continental Airlines; 91–4 [Airport Operator].
13.235	90–11 Thunderbird Accessories; 90–12 Continental Airlines; 90–15 Playter; 90–17 Wilson; 92–7 West.
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14.04	91–17 KDS Aviation; 91–52 KDS Aviation; 92–71 KDS Aviation; 93–10 Costello.
14.05	90–17 Wilson.
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91.29 (91.7 as of 8/18/90)	91–8 Watts Agricultural Aviation; 92–10 Flight Unlimited.
91.75 (91.123 as of 8/18/90)	91–12 & 91–31 Terry & Menne; 92–8 Watkins; 92–40 Wendt; 92–49 Richardson & Shimp; 93–9 Wendt.
91.79 (91.119 as of 8/18/90)	90–15 Playter; 92–47 Cornwall.
91.87 (91.129 as of 8/18/90)	91–12 & 91–31 Terry & Menne; 92–8 Watkins.
91.173 (91.417 as of 8/18/90)	91–8 Watts Agricultual Aviation.
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107.13	90–12 Continental Airlines; 90–19 Continental Airlines; 91–4 [Airport Operator]; 91–18 [Airport Operator]; 91–40 [Airport Operator]; 91–41 [Airport Operator]; 91–58 [Airport Operator].
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Digests

The digests of the Administrator's final decisions and orders are arranged by order number, and briefly summarize key points of the decision. The following compilation of digests includes all final decisions and orders issued by the Administrator from January 1, 1993, through March 31, 1993. The FAA will publish noncumulative supplements to this compilation on a quarterly basis (*e.g.*, April, July, October, and January of each year).

Civil Penalty Case Decisions

Digests

(Current as of March 31, 1993)

These digests do not constitute legal authority, and should not be cited or relied upon as such. These digests are not intended to serve as a substitute for proper legal research. Parties, attorneys, and other interested persons should always consult the full text of the Administrator's decisions before citing them in any context.

In the Matter of Powell and Co.

[Order No. 93–1 (1/11/93)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the initial decision. Complainant's appeal is dismissed.

In the Matter of Michael Edward Wendt

[Order No. 93–2 (1/13/93)]

Extension of Time to Perfect Appeal Granted. Respondent failed to file his appeal brief by the deadline. He moves for an extension of time, arguing that the Administrator's order concerning jurisdiction (FAA Order No. 92–74), which advised him of the due date, was not served on him until the same day his brief was due.

Counsel's argument that she had no way of knowing the due date of the brief before receiving the Administrator's order is without merit. Counsel had only to look up in the Rules of Practice to determine the due date. Counsel is not new to practice before the Administrator. A prudent attorney would not have waited for the Administrator's ruling on jurisdiction, but would have filed either a request for extension of time or the appeal brief before the deadline for filing the brief.

Nevertheless, Respondent is granted an additional 10 days from the date of service of this order to file an appeal brief. Barring extraordinary circumstances, any further delay on Respondent's part in filing the appeal brief will result in dismissal.

In the Matter of Michael Edward Wendt

[Order No. 93–3 (1/15/93)]

Motion to Dismiss Denied. Complainant has renewed its motion to dismiss based on the untimeliness of Respondent's appeal brief. In the alternative, Complainant requests an extension of time to file its reply brief. Complainant's motion to dismiss due to untimeliness has already been denied in FAA Order No. 93–2, which was served on January 13, 1993.

Extension of Time to File Reply Brief Granted. Although Complainant's motion to dismiss is denied, its request for an extension of time to file its reply brief is granted. Complainant is granted 30 days from the date of service of this order to file its reply brief.

In the Matter of Diane R. Harrah

[Order No. 93–4 (2/10/93)]

Withdrawal of Appeal. Respondent has withdrawn her appeal from the initial decision. Respondent's appeal is dismissed.

In the Matter of Michael Edward Wendt

[Order No. 93–5 (3/9/93)]

Denial of Petition to File Additional Brief. The letter sent by Wendt's counsel to the Hearing Docket requesting an extension of time to file a "reply brief" must be construed as a petition for leave to file an additional brief. A party may not file more than one appeal brief or reply brief. However, the FAA decisionmaker may grant leave to file an additional brief if the party demonstrates good cause for allowing additional argument on the appeal. No good cause for allowing additional argument has been shown. Therefore, Wendt's petition to file an additional brief is denied.

In the Matter of Westair Commuter Airlines, Inc. d/b/a United Express

[Order No. 93–6 (3/16/93)]

Granting of Petition to File Additional Brief. Respondent filed a petition for leave to file an additional brief under 14 CFR 13.233(f). Respondent stated that an additional brief was necessary to respond to misstatements of fact and law in Complainant's reply brief. Respondent stated that the alleged misstatements pertained to the issue of the air carrier's responsibility for the acts and omissions of its employees in this case. Respondent represented that counsel for Complainant had no objection to the filing of the additional brief. Respondent showed good cause for allowing the additional argument. The petition is granted.

In the Matter of James Vincent Dunn

[Order No. 93–7 (3/19/93)]

Appeal Dismissed. Respondent filed a notice of appeal from an oral order of the law judge but failed to perfect his appeal by filing an appeal brief. Respondent's notice of appeal is dismissed.

In the Matter of Raul Nunez

[Order No. 93–8 (3/24/93)]

Appeal Dismissed. Respondent failed to perfect his appeal by filing an appeal brief. Respondent's appeal is dismissed.

In the Matter of Michael Edward Wendt

[Order No. 93–9 (3/25/93)]

Denial of Attorney's Fees Affirmed. Because the FAA was substantially justified in bringing and maintaining its civil penalty action against Wendt, the law judge's decision denying Wendt attorney's fees under the Equal Access to Justice Act is affirmed. The issues in the underlying case were both novel and difficult. It was an exceedingly close case, and arguably, both FAA and NTSB precedent supported the agency's position. In a good faith attempt to fulfill its duty to promote safety, the agency reasonably sought, and continued to seek throughout these proceedings, a finding of violation against Wendt.

In the Matter of Michael John Costello

[Order No. 93–10 (3/25/93)]

Law Judge's Decision Affirmed. The law judge found that Costello violated §§ 91.29, 91.167, and 91.165, and part 43 of the Federal Aviation Regulations (FAR) when he flew his aircraft in an unairworthy condition after damaging it during a gear-up landing. Costello claims on appeal that: (1) He was deprived of a fair hearing; (2) the law judge and agency attorney engaged in improper *ex parte* communications; (3) he was unfairly deprived of discovery he needed to prepare adequately for the hearing; (4) his Freedom of Information Act request was disregarded; and (5) the agency attorney failed to send him a copy of a "written pleading" that she filed with the law judge at the end of the second hearing. An examination of these claims reveals that they are without merit. As for the amount of the sanction, Costello failed to provide any evidence to support his claim of financial hardship. A civil penalty of $6,000 is assessed.

In the Matter of Thoral Merkley

[Order No. 93–11 (3/25/93)]

Judgment On The Pleadings Reversed. The Administrator reversed the law judge's granting of Complainant's judgment on the pleadings because a genuine issue of material fact remained in dispute. The complaint alleged that Respondent had exceeded the flight time limitation of 14 CFR 121.503(d) and 521(c)(2). During a pre-hearing telephone conference with the law judge and the agency attorney, Respondent admitted the complaint allegations, but later stated that he may not have exceeded the flight time limitations if check pilot hours were excluded from his flight time. The law judge erred in granting Complainant's motion for judgment on the pleadings without first

determining whether Respondent had exceeded the flight time limitations. Respondent, who was not represented by counsel, cannot be faulted for raising this factual issue after having made admissions to the law judge during the three way telephone conversation. The matter is remanded to the law judge to determine if Respondent exceeded the flight time limitations.

In the Matter of Carl P. Langton

[Order No. 93–12 (3/25/93)]

Dismissal of Untimely Request for Hearing Affirmed. An untimely hearing request will only be excused for good cause. The request for hearing by Respondent's attorney was filed 6 days after it was due under 14 CFR 13.16. Respondent's attorney was aware that his office had received the Final Notice of Proposed Civil Penalty. Respondent's attorney did not assert that he was unaware of the requirement that the request for hearing be filed within 15 days of the receipt of the Final Notice of Proposed Civil Penalty. The attorney's case file was put on a shelf while he waited for agency counsel to return his telephone call, and he did not think about the final notice again or actually see it, until the deadline for filing a request for hearing had passed. Respondent did not show good cause to excuse the late hearing request.

Proper Issuance of Civil Penalty Notices. The agency attorney signed the Notice of Proposed Civil Penalty and the Final Notice of Proposed Civil Penalty in the name and under the authority of the Assistant Chief Counsel for the Alaska Region when he signed his name and title underneath the typewritten name and title of the Assistant Chief Counsel.

Harmless Error by the Law Judge. The law judge erred when he issued his order of dismissal before the time that Respondent had to respond to the motion to dismiss had expired. The law judge's error was harmless because there was no good cause for Respondent's untimely hearing request. A remand to the law judge based on the premature issuance of the dismissal order would serve no purpose.

The law judge's dismissal of the hearing request is affirmed.

In the Matter of Vincent J. Medel

[Order No. 93–13 (3/25/93)]

Timeliness of Complaint. After receiving a Final Notice of Proposed Civil Penalty (FNCP) for $2500, Respondent requested a hearing by letter addressed to the Hearing Docket in Washington, DC. Respondent sent a copy of that request to the agency attorney, but used the Hearing Docket address; the agency attorney is based in Atlanta, Georgia. The agency attorney's copy was not forwarded to the agency attorney until approximately 3 months later. Within 5 days after receiving the copy of the request for hearing, the agency attorney filed the complaint.

Section 13.208(a) of the FAR, 14 CFR 13.208(a), requires the agency attorney to file the complaint with the Hearing Docket "not later than 20 days after *receipt by the agency attorney* of a request for hearing." But in this case the agency attorney's office did not receive the request for hearing until more than 3 months after the mailing of the request for hearing. At least in hindsight, it is clear that the Hearing Docket Clerk should have forwarded the agency attorney's copy of the request for hearing to the agency attorney immediately. That is not to say, however, that a respondent may serve an agency attorney by using the address of any FAA office. The agency attorney should be served at the FAA office at which the agency attorney works. If service at any FAA facility were permitted, then Complainant would be unfairly disadvantaged in light of the extensiveness of the FAA. Complainant is sufficiently responsible for the misdirection of the copy of the request for hearing to Washington, DC, rather than Atlanta, Georgia, that the complaint will be considered late-filed. The boilerplate language in the FNPCP provided the Washington, DC, address of the Hearing Docket, and did not mention the address of the agency attorney. The agency attorney's address was only located on the letterhead. Respondent apparently tried to serve the agency attorney but did not realize that the agency attorney was not located in Washington, DC. The FNPCP could have been more clearly written.

Separation of Functions. The Administrator is unaware of any legal requirement that there be a separation of functions that includes the ministerial duties of the Hearing Docket.

Conduct of ALJ. By issuing a set of detailed interrogatories probing into the relations between the Deputy Chief Counsel and the Hearing Docket, the law judge appears to have gone beyond his duty to see that the facts are fully and clearly developed.

Hearing Docket. Filing with the Hearing Docket is not tantamount to service upon the agency attorney under 14 CFR 13.16(f).

The law judge's decision is affirmed in part and rejected in part; the case is dismissed.

In the Matter of Dan Ruben Fenske

[Order No. 93–14 (3/29/93)]

Withdrawal of Appeal. Complainant withdrew its notice of appeal from the initial decision. Complainant's appeal is dismissed.

Commercial Reporting Services of the Administrator's Civil Penalty Decisions and Orders

In June, 1991, as a public service, the FAA began releasing to commercial publishers the Administrator's decisions in civil penalty cases. The goal was to make these decisions and orders more accessible to the public. As a result, the Administrator's decisions and orders in civil penalty cases are now available in the following commercial publications:

Avlex, published by Aviation Daily, 1156 15th Street, NW., Washington, DC 20005, (202) 822–4669; and

Civil Penalty Cases Digest Service, published by Hawkins Publishing Company, Inc., P.O. Box 480, Mayo, MD, 21106, (301) 798–1098.

Another publishing company, Clark Boardman Callaghan, 50 Broad Street East, Rochester, NY 14694, (716) 546–1490, is expected to release its publication of the civil penalty decisions and orders soon.

The decisions and orders may be obtained on disk from Aviation Records, Inc., P.O. Box 172, Battle Ground, WA 98604, (206) 896–0376. Aeroflight Publications, P.O. Box 854, 433 Main Street, Gruver, TX 79040 (806) 733–2483, is placing the decisions on CD–ROM. Finally, the Administrator's decisions and orders in civil penalty cases are available on the following computer databases: Compuserve; Fedix; and GEnie.

The FAA has stated previously that publication of the subject-matter index and the digests may be discontinued once a commercial reporting service publishes similar information in a timely and accurate manner. No decision has been made yet on this matter, and for the time being, the FAA will continue to prepare and publish the subject-matter index and digests.

FAA Offices

The Administrator's final decisions and orders, indexes, and digests are available for public inspection and copying at the following location in FAA headquarters:

FAA Hearing Docket, Federal Aviation Administration, 800 Independence Avenue, SW., Room 924A, Washington, DC 20591; (202) 267–3641.

These materials are also available at all FAA regional and center legal offices at the following locations:

Office of the Assistant Chief Counsel for the Aeronautical Center (AAC–7), Mike Monroney Aeronautical Center, 6500 South MacArthur, Oklahoma City, OK 73125; (405) 680–3296.

Office of the Assistant Chief Counsel for the Alaskan region (AAL–7), Alaskan Region Headquarters, 222 West 7th Avenue, Anchorage, AK 99513; (907) 271–5269.

Office of the Assistant Chief Counsel for the Central Region (ACE–7), Central Region Headquarters, 601 East 12th Street, Federal Building, Kansas City, MO 64106; (816) 426–5446.

Office of the Assistant Chief Counsel for the Eastern Region (AEA–7), Eastern Region Headquarters, JFK International Airport, Fitzgerald Federal Building, Jamaica, NY 11430; (718) 917–1035.

Office of the Assistant Chief Counsel for the Great Lakes Region (AGL–7), Great Lakes Region Headquarters, O'Hare Lake Office Center, 2300 East Devon Avenue, Des Plaines, IL 60018; (312) 694–7108.

Office of the Assistant Chief Counsel for the New England Region (ANE–7), New England Region Headquarters, 12 New England Executive Park, Burlington, MA 01803; (617) 273–7310.

Office of the Assistant Chief Counsel for the Northwest Mountain Region (ANM–7), Northwest Mountain Region Headquarters, 18000 Pacific Highway South, Seattle, WA 98188; (206) 227–2007.

Office of the Assistant Chief Counsel for the Southern Region (ASO–7), Southern Region Headquarters, 3400 Norman Berry Drive, East Point, GA 30344; (404) 763–7204.

Office of the Assistant Chief Counsel for the Southwest Region (ASW–7), Southwest Region Headquarters, 4400 Blue Mound Road, Fort Worth, TX 76193; (817) 624–5707.

Office of the Assistant Chief Counsel for the Technical Center (ACT–7), Federal Aviation Administration Technical Center, Atlantic City International Airport, Atlantic City, NJ 08405; (609) 484–6605.

Office of the Assistant Chief Counsel for the Western-Pacific Region (AWP–7), Western-Pacific Region Headquarters, 15000 Aviation Boulevard, Hawthorne, CA 90261; (213) 297–1270.

Issued in Washington, DC, on April 12, 1993.

James S. Dillman,

Assistant Chief Counsel.

[FR Doc. 93–9089 Filed 4–16–93; 8:45 am]

BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field, Brainerd, MD

AGENCY: Federal Aviation Administration (FAA). DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 19, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Airports District Office, 6020 28th Avenue South, room 102, Minneapolis, Minnesota 55450.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. John Puckropp, Airport Director, Brainerd-Crow Wing County Regional Airport Commission, at the following address: 2375 Airport Road NE., Brainerd, Minnesota 56401.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Brainerd-Crow Wing County Regional Airport Commission under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Franklin D. Benson, Manager, Minneapolis Airports District Office, 6020 28th Avenue South, room 102, Minneapolis, Minnesota 55450, (612) 725–4221. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Brainerd-Crow Wing County Regional Airport/Walter F. Wieland Field under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On March 19, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Brainerd-Crow Wing County Regional Airport Commission was not substantially complete within the requirements of § 158.25 of part 158. The following items are required to complete the application: (1) Section 158.25(c)(1)(ii)(A) requires that all development items be shown on an approved Airport Layout Plan prior to making application for authority to use PFC revenue. The proposed localizer to serve Runway 5 is not on an approved Airport Layout Plan. (2) Section 158.25(c)(1)(ii)(B) requires that all environmental reviews required by the National Environmental Policy Act (NEPA) of 1969 have been completed and the final FAA environmental determination with respect to the project has been approved. No FAA environmental determination has been made on the localizer to serve Runway 5 and the Southwest Building Area. (3) Section 158.25(c)(1)(ii)(C) requires that all development items must have a favorable final FAA airspace determination prior to making application for authority to use PFC revenue. Final airspace approval has not been received for the proposed localizer to serve Runway 5. (4) The "Project Description & Justification" does not include information for the southwest building area discussed at consultation and shown on financial plan.

The Brainerd-Crow Wing County Regional Airport Commission has not submitted supplemental information to complete this application. The FAA will approve or disapprove the application, in whole or in part, not later than May 29, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00

Proposed charge effective date: August 1, 1993

Proposed charge expiration date: December 31, 1995

Total estimated PFC revenue: $108,000

Brief description of proposed project(s):

1. Installation of airfield signs
2. Environmental Assessment/ Environmental Impact Statement
3. Rehabilitation/replacement of non-revenue-producing terminal area vehicle parking lot pavement

4. Construction of the Southwest Building Area
5. Installation of a localizer to serve Runway 5

Class or classes of air carriers which the public agency has requested to be not required to collect PFCs: None

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Brainerd-Crow Wing County Regional Airport/ Walter F. Wieland Field.

Issued in Des Plaines, Illinois, on April 5, 1993.

Henry A. Lamberts,

Acting Manager, Airports Division, Great Lakes Region.

[FR Doc. 93-9084 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-13-M

Passenger Facility Charge (PFC) Approvals and Disapprovals

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Monthly notice of PFC approvals and disapprovals. In March 1993, there were six applications approved.

SUMMARY: The FAA publishes a monthly notice, as appropriate, of PFC approvals and disapprovals under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101-508) and part 158 of the Federal Aviation Regulations (14 CFR part 158). This notice is published pursuant to paragraph d of § 158.29.

PFC Applications Approved

Public Agency: City of Los Angeles Department of Airports, Los Angeles, California.

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $360,000,000.

Earliest Permissible Charge Effective Date: June 1, 1993.

Duration of Authority to Impose: July 1, 1998.

Class of Air Carriers not Required to Collect PFC's: All Part 135 Air Taxi Operators.

Determination: Approved. Based on information submitted in the city of Los Angeles Department of Airports' application, the FAA has determined that the proposed class accounts for less than 1 percent of Los Angeles International Airport's total annual enplanements.

Brief Description of Projects Approved: People Mover System. New Terminal Building at Ontario International Airport. Noise Mitigation Program at Los Angeles International Airport. Noise Mitigation Program at Ontario International Airport.

Decision Date: March 26, 1993.

For Further Information Contact: John P. Milligan, Western-Pacific Region Airports Division, (310) 297-1029.

Public Agency: City of Los Angeles Department of Airports, Ontario, California.

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $49,000,000.

Earliest Permissible Charge Effective Date: June 1, 1993.

Duration of Authority to Impose: July 1, 1998.

Class of Air Carriers not Required to Collect PFC's: All Part 135 Air Taxi Operators.

Determination: Approved. Based on information submitted in the city of Los Angeles Department of Airport's application, the FAA has determined that the proposed class accounts for less than 1 percent of Ontario's total annual enplanements.

Brief Description of Projects Approved: New Terminal Building.

Decision Date: March 26, 1993.

For Further Information Contact: John Milligan, Western-Pacific Region Airports Division, (310) 297-1029.

Public Agency: Sioux Gateway Airport Authority.

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $204,465.

Earliest Permissible Charge Effective Date: June 01, 1993.

Duration of Authority to Impose: June 01, 1994.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved: Taxiway "C" extension. Acquire snow removal equipment and install perimeter fencing. Design and install security access control system (phase 1 and 2). Purchase self-propelled snow sweeper. Taxiway "A" and "E" intersection rehabilitation.

Decision Date: March 12, 1993.

For Further Information Contact: Ellie Anderson, Central Region Airports District Office, (816) 426-7425.

PFC Applications Approved in Part

Public Agency: Spokane Airport Board.

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $15,272,000.

Earliest Permissible Charge Effective Date: June 01, 1993.

Duration of Authority to Impose: December 01, 1999.

Class of Air Carriers not Required to Collect PFC's: None.

Brief Description of Projects Approved: Planning studies. Perimeter road. Safety equipment. Taxiway and apron pavement improvements. Runway safety improvements. Access control system. Airfield lighting and signage. Airport access road improvements. Aircraft deicing facility. Airside infrastructure development—apron construction. Loading bridge replacement. Regional gate expansion. Felts field safety improvements. Terminal building improvements—Americans with Disabilities Act compliance.

Brief Description of Project Disapproved: Aircraft rescue and firefighting (ARFF) training facility.

Determination: The FAA has determined that this project does not enhance safety, security, or capacity, mitigate noise impacts, or furnish opportunities for enhanced competition between or among carriers. Therefore, this project is not PFC eligible. The new ARFF training facility project has been reviewed under AIP criteria (paragraphs 301B and 500 of FAA order 5100.38A), which permits projects to be reviewed on a case by case basis. The FAA is currently implementing a policy of funding only regional ARFF training facilities.

Decision Date: March 23, 1993.

For Further Information Contact: Paul Johnson, Seattle Airports District Office, (206) 227-2655.

Public Agency: County of Chautauqua.

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $434,822.

Earliest Permissible Charge Effective Date: June 01, 1993.

Duration of Authority to Impose: June 01, 1993.

Class of Air Carriers not Required to Collect PFC's: Air taxi and charter carriers filing FAA form 1800-31.

Determination: Approved. Based on the information submitted in the county's application, the FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved: Terminal building

expansion. Overlay commuter ramp. Extend taxiway D. Purchase heavy duty snow plow and snow blower. Rebuild entry road to terminal building. Obstruction removal. Overlay and strengthen runway 7/25.

Decision Date: March 19, 1993.

For Further Information Contact: Philip Brito, New York Airports District Office, (718) 553–1882.

Public Agency: New Orleans Airport Board (NOAB).

Application Type: Impose and use PFC Revenue.

PFC Level: $3.00.

Total Approved PFC Revenue: $77,800,372.

Earliest Permissible Charge Effective Date: June 01, 1993.

Duration of Authority to Impose: April 01, 2000.

Class of Air Carriers not Required to Collect PFC's: Part 135 on-demand air taxi/commercial operators.

Determination: Based on the information submitted in the NOAB's application, the FAA has determined that the proposed class accounts for less than 1 percent of the airport's total annual enplanements.

Brief Description of Projects Approved: Perimeter road, stage I. North general aviation apron, stage I. Airfield lighting control system. Rehabilitate runways and taxiways. Update airfield guidance sign systems. Centerline lighting on taxiway E. East air cargo apron, stage I. Terminal building improvements, fire code compliance, phase II, stage II. Terminal building improvements, asbestos removal program. West terminal utilities expansion. Concourse D reconstruction. West terminal expansion. Perimeter road, stage II. Perimeter road, stage III. North general aviation apron, stage II. East air cargo apron, stage II. East/West taxiway (visual flight rules runway). East/West Taxiway land acquisition. North general aviation access road. North general aviation apron, stage III. East air cargo access roads.

Brief Description of Projects Disapproved: Firefighting burn pit.

Determination: The FAA has determined that this project does not enhance safety, security, or capacity, mitigate noise impacts, or furnish opportunities for enhanced competition between or among carriers. Therefore, this project is not PFC eligible. The new airport rescue and firefighting training facility project has been reviewed under AIP criteria (paragraphs 301B and 500 of FAA order 5100.38A), which permits projects to be reviewed on a case by case basis. The FAA is currently implementing a policy of funding only regional ARFF training facilities.

Decision Date: March 19, 1993.

For Further Information Contact: William Perkins, Southwest Region Airports Division, (817) 624–5979.

Issued in Washington, DC on April 9, 1993.

Lowell H. Johnson,

Manager, Airports Financial Assistance Division.

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED

State, Airport, and City	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Alabama:					
Huntsville Intl-Carl T Jones Field, Huntsville	03/06/1992	$3	$20,831,051	06/01/1992	11/01/2008
Muscle Shoals Regional, Muscle Shoals	02/18/1992	3	104,100	06/01/1992	02/01/1995
Arizona:					
Flagstaff Pulliam, Flagstaff	09/29/1992	3	2,463,581	12/01/1992	01/01/2015
California:					
Arcata, Arcata	11/24/1992	3	188,500	02/01/1993	05/01/1994
Inyokern, Inyokern	12/10/1992	3	127,500	03/01/1993	09/01/1995
Metropolitan Oakland International, Oakland	06/26/1992	3	8,736,000	09/01/1992	09/01/1993
Palm Springs Regional, Palm Springs	06/25/1992	3	44,612,350	10/01/1992	06/01/2019
Sacramento Metropolitan, Sacramento	01/26/1993	3	24,045,000	04/01/1993	03/01/1996
San Jose International, San Jose	06/11/1992	3	29,228,826	09/01/1992	08/01/1995
San Jose International, San Jose	02/22/1993	3	29,228,826	05/01/1993	08/01/1995
San Luis Obispo County-McChesney Field, San Luis Obispo	11/24/1992	3	502,437	02/01/1993	02/01/1995
Sonoma County, Santa Rosa	02/19/1993	3	110,500	05/01/1993	04/01/1995
Lake Tahoe, South Lake Tahoe	05/01/1992	3	928,747	08/01/1992	03/01/1997
Colorado:					
Colorado Springs Municipal, Colorado Springs	12/22/1992	3	5,622,000	03/01/1993	02/01/1996
Denver International (New), Denver	04/28/1992	3	2,330,734,321	07/01/1992	01/01/2026
Walker Field, Grand Junction	01/15/1993	3	1,812,000	04/01/1993	03/01/1998
Steamboat Springs/Bob Adams Field, Steamboat Springs	01/15/1993	3	1,887,337	04/01/1993	04/01/2012
Telluride Regional, Telluride	11/23/1992	3	200,000	03/01/1993	11/01/1997
Florida:					
Southwest Florida Regional, Fort Myers	08/31/1992	3	257,673,262	11/01/1992	06/01/2015
Key West International, Key West	12/17/1992	3	945,937	03/01/1993	12/01/1995
Marathon, Marathon	12/17/1992	3	153,556	03/01/1993	06/01/1995
Orlando International, Orlando	11/27/1992	3	167,574,527	02/01/1993	02/01/1998
Pensacola Regional, Pensacola	11/23/1992	3	4,715,000	02/01/1993	04/01/1996
Sarasota-Bradenton, Sarasota	06/29/1992	3	38,715,000	09/01/1992	09/01/2005
Tallahassee Regional, Tallahassee	11/13/1992	3	8,617,154	02/01/1993	12/01/1998
Georgia:					
Savannah International, Savannah	01/23/1992	3	39,501,502	07/01/1992	03/01/2004
Valdosta Regional, Valdosta	12/23/1992	3	260,526	03/01/1993	10/01/1997
Idaho:					
Idaho Falls Municipal, Idaho Falls	10/30/1992	3	1,500,000	01/01/1993	01/01/1998
Twin Falls-Sun Valley Regional, Twin Falls	08/12/1992	3	270,000	11/01/1992	05/01/1998
Illinois:					
Greater Rockford, Rockford	07/24/1992	3	1,177,348	10/01/1992	10/01/1996
Capital, Springfield	03/27/1992	3	682,306	06/01/1992	05/01/1994

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, Airport, and City	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
Iowa:					
Dubuque Regional, Dubuque	10/06/1992	3	108,500	01/01/1993	05/01/1994
Louisiana:					
Baton Rouge Metropolitan, Ryan Field, Baton Rouge	09/28/1992	3	9,823,159	12/01/1992	12/01/1998
Maryland:					
Baltimore-Washington International, Baltimore	07/27/1992	3	141,866,000	10/01/1992	09/01/2002
Massachusetts:					
Worcester Municipal, Worcester	07/28/1992	3	2,301,382	10/01/1992	10/01/1997
Michigan:					
Detroit Metropolitan-Wayne County, Detroit	09/21/1992	3	640,707,000	12/01/1992	06/01/2009
Delta County, Escanaba	11/17/1992	3	158,325	02/01/1993	08/01/1996
Kent County International, Grand Rapids	09/09/1992	3	12,450,000	12/01/1992	05/01/1998
Marquette County, Marquette	10/01/1992	3	459,700	12/01/1992	04/01/1996
Pellston Regional Airport of Emmet, Pellston	12/22/1992	3	440,875	03/01/1993	06/01/1995
Minnesota:					
Minneapolis-St Paul International, Minneapolis	03/31/1992	3	66,355,682	06/01/1992	08/01/1994
Mississippi:					
Golden Triangle Regional, Columbus	05/08/1992	3	1,693,211	08/01/1992	09/01/2006
Gulfport-Biloxi Regional, Gulfport-Biloxi	04/03/1992	3	384,028	07/01/1992	12/01/1993
Hattiesburg-Laurel Regional, Hattiesburg-Laurel	04/15/1992	3	119,153	07/01/1992	01/01/1998
Jackson International, Jackson	02/10/1993	3	1,918,855	05/01/1993	04/01/1995
Key Field, Meridian	08/21/1992	3	122,500	11/01/1992	06/01/1994
Missouri:					
Lambert-St Louis International, St Louis	09/30/1992	3	84,607,850	12/01/1992	03/01/1996
Montana:					
Great Falls International, Great Falls	08/28/1992	3	3,010,900	11/01/1992	07/01/2002
Helena Regional, Helena	01/15/1993	3	1,056,190	04/01/1993	12/01/1999
Missoula International, Missoula	06/12/1992	3	1,900,000	09/01/1992	08/01/1997
Nevada:					
McCarran International, Las Vegas	02/24/1992	3	944,028,500	06/01/1992	02/01/2014
New Hampshire:					
Manchester, Manchester	10/13/1992	3	5,461,000	01/01/1993	03/01/1997
New Jersey:					
Newark International, Newark	07/23/1992	3	84,600,000	10/01/1992	08/01/1995
New York:					
Greater Buffalo International, Buffalo	05/29/1992	3	189,873,000	08/01/1992	03/01/2026
Tompkins County, Ithaca	09/28/1992	3	1,900,000	01/01/1993	01/01/1999
John F. Kennedy International, New York	07/23/1992	3	109,980,000	10/01/1992	08/01/1995
LaGuardia, New York	07/23/1992	3	87,420,000	10/01/1992	08/01/1995
Westchester County, White Plains	11/09/1992	3	27,883,000	02/01/1993	06/01/2022
North Dakota:					
Grand Forks International, Grand Forks	11/16/1992	3	1,016,509	02/01/1993	02/01/1997
Ohio:					
Arkron-Canton Regional, Akron	06/30/1992	3	3,594,000	09/01/1992	08/01/1996
Cleveland-Hopkins International, Cleveland	09/01/1992	3	34,000,000	11/01/1992	11/01/1995
Port Columbus International, Columbus	07/14/1992	3	7,341,707	10/01/1992	03/01/1994
Oklahoma:					
Lawton Municipal, Lawton	05/08/1992	2	334,078	08/01/1992	01/01/1996
Tulsa International, Tulsa	05/11/1992	3	8,450,000	08/01/1992	08/01/1994
Oregon:					
Portland International, Portland	04/08/1992	3	17,961,850	07/01/1992	07/01/1994
Pennsylvania:					
Allentown-Bethlehem-Easton, Allentown	08/28/1992	3	3,778,111	11/01/1992	04/01/1995
Altoona-Blair County, Altoona	02/03/1993	3	198,000	05/01/1993	02/01/1996
Erie International, Erie	07/21/1992	3	1,997,885	10/01/1992	06/01/1997
Philadelphia International, Philadelphia	06/29/1992	3	76,169,000	09/01/1992	07/01/1995
University Park, State College	08/28/1992	3	1,495,974	11/01/1992	07/01/1997
Tennessee:					
Memphis International, Memphis	05/28/1992	3	26,000,000	08/01/1992	12/01/1994
Nashville International, Nashville	10/09/1992	3	143,358,000	01/01/1993	02/01/2004
Texas:					
Killeen Municipal, Killeen	10/20/1992	3	243,339	01/01/1993	11/01/1994
Midland International, Midland	10/16/1992	3	35,529,521	01/01/1993	01/01/2013
Mathis Field, San Angelo	02/24/1993	3	873,716	05/01/1993	11/01/1998
Virginia:					
Charlottesville-Albemarle, Charlottesville	06/11/1992	2	255,559	09/01/1992	11/01/1993
Charlottesville-Albemarle, Charlottesville	12/21/1992	2	255,559	09/01/1992	11/01/1993
Washington:					
Seattle-Tacoma International, Seattle	08/13/1992	3	28,847,488	11/01/1992	01/01/1994
Yakima Air Terminal, Yakima	11/10/1992	3	416,256	02/01/1993	04/01/1995

CUMULATIVE LIST OF PFC APPLICATIONS PREVIOUSLY APPROVED—Continued

State, Airport, and City	Date approved	Level of PFC	Total approved net PFC revenue	Earliest charge effective date	Estimated charge expiration date*
West Virginia:					
Morgantown Muni-Walter L. Bill Hart, Morgantown	09/03/1992	3	55,500	12/01/1992	01/01/1994
Wisconsin:					
Austin Straubel International, Green Bay	12/28/1992	3	8,140,000	03/01/1993	03/01/2003
Guam:					
Guam International Air Terminal, Agana	11/10/1992	3	5,632,000	02/01/1993	06/01/1994
Puerto Rico:					
Rafael Hernandez, Aguadilla	12/29/1992	3	1,053,000	03/01/1993	01/01/1999
Mercedita, Ponce	12/29/1992	3	866,000	03/01/1993	01/01/1999
Luis Munoz Marin International, San Juan	12/29/1992	3	49,768,000	03/01/1993	02/01/1997
Virgin Islands:					
Cyril E King, Charlotte Amalie	12/08/1992	3	3,871,005	03/01/1993	02/01/1995
Alexander Hamilton, Christiansted St Croix	12/08/1992	3	2,280,465	03/01/1993	05/01/1995

*The estimated charge expiration date is subject to change due to the rate of collection and actual allowable project costs.

[FR Doc. 93–9082 Filed 4–16–93; 8:45 am]
BILLING CODE 4910–13–M

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Toledo Express Airport, Toledo, OH.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Toledo Express Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before May 19, 1993.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address:

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. James J. McCue, A.A.E., Airport Director of the Toledo Express Airport at the following address: Toledo-Lucas County Port Authority, Toledo Express Airport, 11013 Airport Highway, Box 11, Swanton, Ohio 43558.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Toledo-Lucas County Port Authority under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Dean C. Nitz, Manager, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (313) 487–7300. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Toledo Express Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. Law 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 1, 1993, the FAA determined that the application to impose and use the revenue from a PFC submitted by Toledo-Lucas County Port Authority was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part no later than June 30, 1993.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 1993.

Proposed charge expiration date: May 31, 1996.

Total estimated PFC revenue: $2,925,000.

Brief description of proposed project(s):

1. Terminal Renovation Phases I and II
2. Airfield Signage Phase I
3. Card Access Program
4. Maintenance Building Expansion
5. Acquisition of Snow Removal Equipment
6. Stabilize Shoulder/Cargo Apron
7. Stabilize Shoulder/Taxiway A–1
8. Access Road Engineering
9. Terminal Canopy Engineering
10. Acquisition of Passenger Access Lift

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: On-demand air taxis.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Toledo-Lucas County Port Authority.

Issued in Des Plaines, Illinois on April 5, 1993.

Henry A. Lamberts,

Acting Manager, Airports Division, Great Lakes Region.

[FR Doc. 93–9083 Filed 4–16–93; 8:45 am]
BILLING CODE 4910–13–M

Federal Railroad Administration

[FRA Docket No. H–92–9]

CSX Transportation; Public Hearing

In accordance with § 211.51 of FRA's Rules of Practice, notice is hereby given that CSX Transportation (CSXT) has petitioned the Federal Railroad Administration (FRA) for a temporary waiver of compliance with certain specific requirements of §§ 213.109 and 213.127 of the Track Safety Standards, in order to conduct a test of a performance-based method for determining the gage restraint capacity of the track structure. See Title 49, Code of Federal Regulations (CFR), 211.51; 213.109, 213.127. The test program and associated procedures are meant to further develop an alternative to the present methods of determining gage restraint capacity, which are contained in § 213.109, "Crossties", and § 213.127, "Rail fastenings," of the Standards.

The test program is proposed to be conducted on the following track segments of the CSXT's Florence Division: Aberdeen Subdivision, Hamlet Subdivision, Columbia Subdivision, and Andrews Subdivision. The Aberdeen, Hamlet, and Columbia Subdivisions form a through route between Raleigh, North Carolina and Savannah, Georgia via Hamlet, North Carolina. The Andrews Subdivision is a route between Charleston, South Carolina and Hamlet, North Carolina.

The FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. See 58 FR 626, January 6, 1993.

After examining the carrier's proposal and the available facts, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Thursday, May 13, 1993, in room 871 of the Strom Thurmond Federal Building located at 1835 Assembly Street in Columbia, South Carolina 29201.

In accordance with § 211.25 of FRA's Rules of Practice (49 CFR 211.25), the hearing will be informal and will be conducted by a representative designated by the FRA. The hearing will be a nonadversary proceeding, and, therefore, there will be no cross-examination of persons presenting statements. An FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, DC, on April 12, 1993.

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 93-9080 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-06-M

Petition for a Waiver of Compliance

In accordance with 49 CFR 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of Federal railroad safety regulations. The individual petitions are described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket No. RSEQ-92-1) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

Communications received before June 1, 1993, will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.-5 p.m.) in room 8201, Nassif Building, 400 Seventh Street SW., Washington, DC 20590.

The waiver petitions are as follows:

Tennessee Valley Railroad (Waiver Petition Docket No. RSEQ-93-01)

The Tennessee Valley Railroad (TVRM) seeks a permanent waiver of compliance from certain provisions of Qualification Standards for Locomotive Engineers (49 CFR part 240). The TVRM specifically seeks a waiver of compliance from the provision which would require all operators of a locomotive to be certified. The TVRM operates a program whereby anyone can operate the train, for a fee, and requests these persons be exempt from the provision. The TVRM does not seek this waiver from compliance for their regular engineers. The TVRM is a museum railroad that operates recreational excursion service in the city of Chattanooga, Tennessee.

The Cass Scenic Railroad State Park (Waiver Petition Docket No. RSEQ-93-02)

The Cass Scenic Railroad (CRSX) seeks a permanent waiver of compliance from the provisions of Qualification Standards for Locomotive Engineers (49 CFR part 240). The CRSX is a recreational excursion railroad operated by the state of West Virginia at Cass State Park.

Tennessee Valley Railroad (Waiver Petition Docket No. RSAD-93-1)

The Tennessee Valley Railroad (TVRM) seeks a permanent waiver of compliance from certain provisions of Control of Alcohol and Drug Use (49 CFR part 219). The TVRM specifically seeks a waiver from random testing of their volunteer crewmembers. The TVRM is a museum railroad that operates recreational excursion service in the city of Chattanooga, Tennessee.

Issued in Washington, DC, on April 12, 1993.

Grady C. Cothen, Jr.,

Associate Administrator for Safety.

[FR Doc. 93-9081 Filed 4-16-93; 8:45 am]

BILLING CODE 4910-06-M

UNITED STATES INFORMATION AGENCY

Culturally Significant Objects Imported for Exhibition; Determination

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985, 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978 (43 FR 13359, March 29, 1978), and Delegation Order No. 85-5 of June 27, 1985 (50 FR 27393, July 2, 1985), I hereby determine that the objects to be included in the exhibit, "Verrocchio's Christ and Saint Thomas: A Masterpiece of Sculpture from Renaissance Florence" (see list [1]), imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to a loan agreement with the foreign lenders. I also determine that the temporary exhibition or display of the listed exhibit objects at the Metropolitan Museum of Art, New York, New York, from on or about June 16, 1993, to on or about October 17, 1993, is in the national interest.

Public notice of this determination is ordered to be published in the **Federal Register.**

Dated: April 13, 1993.

R. Wallace Stuart,

Acting General Counsel.

[FR Doc. 93-9105 Filed 4-16-93; 8:45 am]

BILLING CODE 8230-01-M

[1] A copy of this list may be obtained by contacting Mr. Paul W. Manning of the Office of the General Counsel of USIA. The telephone number is 202/619-6827, and the address is room 700, U.S. Information Agency, 301 Fourth Street, SW., Washington, DC 20547.

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233-3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395-7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by May 19, 1993.

Dated: April 8, 1993.
By direction of the Secretary.

B. Michael Berger,

Director, Records Management Service.

Extension

1 Application for Reimbursement of Headstone or Marker Expenses, VA Form 21-8834

2. The form is used by the person who paid for a deceased veteran's or service person's headstone, market or additional engraving, to claim reimbursement in lieu of a Government furnished headstone.

3. Individuals or households

4. 167 hours

5. 10 minutes

6. On occasion

7. 1,000 respondents

[FR Doc. 93-9031 Filed 4-16-93; 8:45 am]

BILLING CODE 8320-01-M

Geriatrics and Gerontology Advisory Committee; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Geriatrics and Gerontology Advisory Committee (GGAC) will be held May 26 and 27, 1993, by the Department of Veterans Affairs, in the Omar Bradley Conference Room at TechWorld, room 1105, 801 I Street NW., Washington, DC. The purpose of the Geriatrics and Gerontology Advisory Committee is to advise the Acting Secretary of Veterans Affairs and the Chief Medical Director relative to the care and treatment of the aging veterans, and to evaluate the Geriatric Research, Education and Clinical Centers. The committee will meet on May 26 from 8:30 a.m. until 4:30 p.m. and will reconvene on May 27 at 8:30 a.m. and adjourn at 12 noon. The meeting is open to the public up to the seating capacity of the room. For those wishing to attend contact Jacqueline Holmes, Program Assistant, Office of Assistant Chief Medical Director for Geriatrics and Extended Care (phone 202-535-7164) prior to May 21, 1993.

Working sessions on development of health promotion, social work assessment, and elderly female veterans health problems will be the primary topics for discussion.

Dated: April 8, 1993.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93-9030 Filed 4-16-93; 8:45 am]

BILLING CODE 8320-01-M

Advisory Committee on Women Veterans; Meeting

The Department of Veterans Affairs gives notice under Public Law 92-463 that a meeting of the Advisory Committee on Women Veterans will be held June 2-4, 1993, San Antonio, Texas. The purpose of the Advisory Committee on Women Veterans is to advise the Secretary regarding the needs of women veterans with respect to health care, rehabilitation, compensation, outreach and other programs administered by the Department of Veterans Affairs, and the activities of the Department of Veterans Affairs designed to meet such needs. The Committee will make recommendations to the Secretary regarding such activities.

The session will convene on June 2 with a site visit of the VA medical center and surrounding VA facilities in San Antonio, Texas at 9 a.m.-4:30 p.m. The meeting will continue at the University of Texas Health Science Center, School of Nursing Building, 7702 Floyd Curl Drive, room 1.206, San Antonio, Texas on June 3 at 9 a.m.-4:30 p.m. and June 4 at 9 a.m.-12 noon. All sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mrs. Barbara Brandau, Committee Coordinator, Department of Veterans Affairs (phone 202/535-7571) prior to May 14, 1993.

Dated: April 9, 1993.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 93-9029 Filed 4-16-93; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 58, No. 73
Monday, April 19, 1993

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

UNITED STATES COMMISSION ON CIVIL RIGHTS

DATE AND TIME: Friday, April 23, 1993, 9:00 a.m.

PLACE: U.S. Commission on Civil Rights, 624 Ninth Street, NW, Room 540, Washington, DC 20425.

STATUS: Open to the Public.

April 23, 1993

Business Meeting and Retreat

I. Approval of Agenda
II. Approval of Minutes of February 26 and March 26, 1993 Meetings
III. Announcements
IV. Interim Appointments to the District of Columbia and Florida Advisory Committees
V. *Stereotyping of Minorities by the News Media in Minnesota*
VI. *Campus Tensions in Vermont: Search for Solutions in the Nineties*
VII. Preliminary Witness List for Los Angeles Hearing
VIII. Staff Director's Report
IX. Future Agenda Items
X. Program Planning for FY 95
XI. State Advisory Committee Membership Procedures
XII. Reauthorization

Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact Betty Edmiston, Administrative Services and Clearinghouse Division (202) 376-8105 (TDD 202-376-8116) at least five (5) working days before the scheduled date of the meeting.

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications (202) 376-8312.

Emma Monroig,

Solicitor.

[FR Doc. 93-9149 Filed 4-14-93; 4:51 pm]

BILLING CODE 6335-01-M

FEDERAL ENERGY REGULATORY COMMISSION

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: April 13, 1993, 58 FR 19293.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10:00 a.m., April 14, 1993.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Items CAG-10 and CAG-13 on the Consent Agenda scheduled for April 14, 1993:

Item No., Docket No. and Company

CAG-10
RS92-63-000, Great Lakes Gas Transmission Limited Partnership
CAG-13
RP90-161-008, 009, RP92-228-001, 002, RP92-1-012 and 014, Northern Natural Gas Company

Lois D. Cashell,

Secretary.

[FR Doc. 93-9177 Filed 4-15-93; 11:54 am]

BILLING CODE 6717-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Matter To Be Withdrawn From Consideration at an Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the following matter will be withdrawn from the agenda for consideration at the open meeting of the Board of Directors of the Federal Deposit Insurance Corporation scheduled to be held at 2:00 p.m. on Tuesday, April 20, 1993, in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC:

Memorandum and resolution re: Final amendments to the Corporation's rules and regulations in the form of a new Part 363 regarding independent annual audits and reporting requirements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898-6757.

Dated: April 15, 1993.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 93-9238 Filed 4-15-93; 3:55 pm]

BILLING CODE 6714-01-M

LEGAL SERVICES CORPORATION

Board of Directors Meetings; Notice

TIME AND DATE: The Legal Services Corporation Board of Directors Provision for the Delivery of Legal Services and Audit and Appropriations Committees will hold meetings on April 25, 1993. The meetings will commence in the order and at the times noted below.

	Time
1. Provision for the Delivery of Legal Services Committee.	11:00 a.m.
2. Audit and Appropriations Committee.	12:00 p.m.

PLACE: The Embassy Suites Hotel, 601 Pacific Highway, the Monterey 1 Room, San Diego, CA 92101 (619) 239-2400

PROVISION FOR THE DELIVERY OF LEGAL SERVICES COMMITTEE MEETING:

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION

1. Approval of Agenda.
2. Approval of February 21, 1993 Meeting Minutes.
3. Consideration of Status Report on Request for Proposals for Migrant Ombudsman Demonstration Projects.
4. Consideration of Status Report on Survey of Grantees on Attorney Recruitment and Retention.
5. Consideration of Draft Request for Proposals for Grantee Timekeeping Mechanism.

AUDIT AND APPROPRIATIONS COMMITTEE MEETING:

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

OPEN SESSION

1. Approval of Agenda.
2. Approval of Minutes of March 23, 1993 Meeting.
3. Consideration of Report by the Provision for the Delivery of Legal Services Committee on Relevant Actions of the Committee at its April 25, 1993 Meeting.
4. Consideration of Draft Request for Proposals for a Grantee Timekeeping Mechanism.
5. Consideration of Status Report on Rental of the Corporation's Former Office Space.
6. Consideration of Guidelines Governing Board Travel.
7. Consideration of Status Report on Efforts to Secure Corporation Funds.
8. Review of Consolidated Operating Budget, Expenses and Other Funds Available for the Period Ending February 28, 1993.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336-8800.

Upon request, meeting notices will be made available in alternate formats to accommodate individuals who are blind or have visual impairment.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336-8800.

Date Issued: April 15, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–9210 Filed 4–15–93; 2:14 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION

Board of Directors Meetings; Notice

TIME AND DATE: The Legal Services Corporation Board of Directors will meet on April 26, 1993. The meeting will commence at 9:30 a.m.

PLACE: The Embassy Suites Hotel, 601 Pacific Highway, the Monterey I Room, San Diego, CA 92101, (619) 239–2400.

STATUS OF MEETING: Open, except that a portion of the meeting will be closed pursuant to a vote of a majority of the Board of Directors to hold an executive session. At the closed session, in accordance with the aforementioned vote, the Board will consider and vote on approval of the draft minutes of the executive session held on March 23, 1993. The Board will hear and consider the report of the General Counsel on litigation to which the Corporation is, or may become, a party. The Board will also consider an amendment to the employment contract of the Inspector General. Further, the Board will consider the General Counsel's report regarding the protections accorded Corporation staff, exclusive of the President and Inspector General, against employment actions taken based on political considerations.[1] Further, the Board will consult with the Inspector General on internal personnel, operational and investigative matters, and, the Board may also be briefed by the Inspector General on findings in a draft semiannual report covering the period ending March 31, 1993. Finally, the Board will consult with the President on internal personnel and operational matters. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. 552b(c)(2)(5), (6), (7), and (10)], and the corresponding regulation of the Legal Services Corporation [45 CFR 1622.5(a), (d), (e), (f), and (h)].[2] The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, NE., Washington, DC 20002, in its eleventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED:

OPEN SESSION

1. Approval of Agenda.
2. Approval of Minutes of March 23, 1993 Meeting.
3. Chairman's and Member's Reports.
   a. Consideration of Proposed Policy to Govern Board Requests for Staff Assistance.
4. Consideration of Operations and Regulations Committee Report.
   a. Status Report on the Comparative Demonstration Projects.
5. Consideration of Office of the Inspector General Oversight Committee Report.
6. Consideration of Provision for the Delivery of Legal Services Committee Report.
   a. Status Report on Results of Survey on Attorney Recruitment and Retention.
   b. Report on the Affect of Alternative Dispute Resolution Mechanisms on Corporation-Funded Migrant Grantees.
7. Consideration of Audit and Appropriations Committee Report.
   a. Consideration of Guidelines Governing Board Travel.
   b. Consideration of Draft Request for Proposals for Grantee Timekeeping Mechanism.
8. Consideration of State-by-State Survey of Loss of Interest on Lawyer Trust Account ("IOLTA") Funds for 1993.
9. Consideration of Declination of Representation Report ("DORR") and Other Unmet Legal Needs Survey Instruments.
10. President's Report.
11. Inspector General's Report.

CLOSED SESSION

12. Consultation by Board with the Inspector General on Internal Personnel, Operational and Investigative Matters.
13. Briefing by Inspector General on the Draft Semiannual Report for the Period Ending March 31, 1993.
14. Consideration of Amendment to the Employment Contract of the Inspector General.
15. Consultation by Board with the President on Internal Personnel and Operational Matters.
16. Consideration of the General Counsel's Report on Protections Accorded to Corporate Staff, Exclusive of the President and Inspector General, Against Employment Actions Taken Based on Political Considerations.
17. Consideration of the General Counsel's Report on Pending Litigation to which the Corporation is, or May Become, a Party.
18. Approval of Minutes of Executive Session Held on March 23, 1993.

OPEN SESSION (Resumed)

19. Approval of Amendment to the Inspector General's Employment Contract.
20. Consideration of Other Business.

CONTACT PERSON FOR INFORMATION:

Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate individuals who are blind or have visual impairment.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: April 15, 1993.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 93–9199 Filed 4–15–93; 2:15 pm]

BILLING CODE 7050–01–M

[1] As to the Board's consideration of its General Counsel's report on what, if any, protections are accorded staff, exclusive of the President and Inspector General, against employment actions based on political considerations, the closing is authorized pursuant to the attorney-client privilege.

That portion of the closed session which will consist of a briefing does not come within the definition of a meeting for purposes of the Government in the Sunshine Act. 5 U.S.C. 552b(a)(2). The requirements of the Act, therefore, do not apply to this portion of the closed session. 5 U.S.C. 552b(b). *See* also 45 CFR 1622.2 and 1622.3.

[2] As to the Board's consideration and approval of the draft minutes of the executive session(s) held on the above-noted date(s), the closing is authorized as noted in the **Federal Register** notice(s) corresponding to that/those Board meeting(s).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Museum Services Board; Meeting

Correction

Notice document 93-8257 appearing on page 18229 in the issue of Thursday, April 8, 1993, was published inadvertantly in the Notices section of the **Federal Register**. It should have appeared in the Sunshine Act Meetings section.

BILLING CODE 1505-01-D

Corrections

Federal Register
Vol. 58, No. 73
Monday, April 19, 1993

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

7 CFR Part 1493

Commodity Credit Corporation Emerging Democracies Facilities Guarantees

Correction

In rule document 93-4501, beginning on page 11786 in the issue of Monday, March 1, 1993, make the following correction:

§ 1493.220 [Corrected]

On page 11789, in the third column, in "§ 1493.200" should read "§ 1493.220".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 930236-3036]

Designated Critical Habitat; Steller Sea Lion

Correction

In proposed rule document 93-7512 beginning on page 17181 in the issue of Thursday, April 1, 1993, make the following correction:

On page 17187, in the first column, in the last paragraph, several lines of text were printed in an incorrect order. The paragraph should read as follows:

"(1) NMFS proposes to designate all Steller sea lion rookeries and major haulouts within state and Federally managed waters off Alaska as critical habitat for the species (tables 1 and 2 to proposed 50 CFR 226.12). This designation includes a zone that extends 3,000 feet (0.9 km) landward and vertical of each rookery and major haulout boundary, and a zone that extends either 3,000 feet (0.9 km) seaward from rookeries and major haulouts located in Alaska east of 144° W. longitude, or 20 nm seaward from BSAI and GOA Steller sea lion rookeries and major haulouts west of 144° W. longitude."

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 921107-3068]

Foreign Fishing; Groundfish of the Gulf of Alaska

Correction

In rule document 93-7435 beginning on page 16787 in the issue of Wednesday, March 31, 1993, make the following correction:

On page 16792, in the first column, in the first partial paragraph, in the second line from the bottom, "of" should read "or".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 96

Substance Abuse Prevention and Treatment Block Grants

Correction

In rule document 93-7513 beginning on page 17062 in the issue of Wednesday, March 31, 1993, make the following corrections:

1. On page 17062, in the first column, under *Comment Date:*, in the last two lines, "(insert date 60 days after publication)." should read "June 1, 1993."

2. On page 17065, in the third column, in the fifth line "HIB" should read "HIV".

3. On page 17067, in the 1st column, in the 1st full paragraph, in the 16th line, "code" should read "core".

§ 96.122 [Corrected]

4. On page 17071, in the third column, in § 96.122(f)(3)(vii), in the second line, "1955" should read "1995".

BILLING CODE 1505-01-D

federal register

Monday
April 19, 1993

Part II

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals; Notice

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1993.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) requires a monthly report listing all budget authority for this fiscal year for which, as of the first day of the month, a special message has been transmitted to Congress

This report gives the status of 12 deferrals contained in four special messages for FY 1993. These messages were transmitted to Congress on October 1, and December 30, 1992, and on February 26, and March 16, 1993.

Rescissions

As of the date of this report, no rescission proposals are pending before the Congress.

Deferrals (Attachments A and B)

Attachment A provides the status of the $3,627.4 million in budget authority being deferred from obligation as of April 1, 1993. Attachment B provides the status of each deferral reported during FY 1993.

Information from Special Messages

The special messages containing information on the deferrals that are covered by this cumulative report are printed in the **Federal Registers** cited below:

57 FR 46730, Friday, October 9, 1992
58 FR 3368, Friday, January 8, 1993
58 FR 16324, Thursday, March 25, 1993
58 FR 17298, Thursday, April 1, 1993.

Leon E. Panetta,

Director.

BILLING Code 3110-01-M

ATTACHMENT A

STATUS OF FY 1993 DEFERRALS

	Amounts (In millions of dollars)
Deferrals proposed by the President.....	4,467.5
Routine Executive releases through April 1, 1993...	-840.1
Overturned by the Congress.....	---
Currently before the Congress.....	3,627.4

ATTACHMENT B
Status of FY 1993 Deferrals – As of April 1, 1993
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 4–1–93
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund	D93–1	492,736		10–1–92					
	D93–1A		1,492,774	12–30–92	614,100				1,371,411
Foreign military financing grants	D93–8	1,487,000		12–30–92					1,487,000
Foreign military financing program	D93–9	149,200		12–30–92	138,997				10,203
Agency for International Development									
Demobilization and transition fund	D93–2	13,750		10–1–92	5,750				8,000
International disaster assistance, executive	D93–10	63,823		2–26–93	7,068				56,755
Sub–Saharan Africa assistance, executive	D93–11	67,188		2–26–93	14,000				53,188
DEPARTMENT OF AGRICULTURE									
Forest Service									
Cooperative work	D93–3	364,582		10–1–92	33,151				331,431
Expenses, brush disposal	D93–4	40,241		10–1–92					
	D93–4A		5,835	12–30–92					
	D93–4B		8	03–16–93					46,084
Timber salvage sales	D93–12	222,994		2–26–93	20,000				202,994
DEPARTMENT OF DEFENSE – CIVIL									
Wildlife Conservation, Military Reservations									
Wildlife conservation, Defense	D93–5	2,175		10–1–92					2,175

[FR Doc. 93-9036 Filed 4-16-93; 8:45 am]
BILLING CODE 3110-01-C

ATTACHMENT B
Status of FY 1993 Deferrals – As of April 1, 1993
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(–): Cumulative OMB/ Agency	Releases(–): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 4–1–93
DEPARTMENT OF HEALTH AND HUMAN SERVICES									
Social Security Administration									
Limitation on administrative expenses	D93–6	7,267		10–1–92					7,267
DEPARTMENT OF STATE									
Bureau for Refugee Programs									
United States emergency refugee and migration assistance fund	D93–7	10,123		10–1–92					
	D93–7A		47,761	12–30–92	7,000				50,884
TOTAL, DEFERRALS		**2,921,080**	**1,546,378**		**840,066**	**0**		**0**	**3,627,393**

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Part III

Department of Defense

Department of the Army
Corps of Engineers

33 CFR Part 334
Restricted Area, San Nicholas Island, Ventura County, CA; Interim Final Rule

DEPARTMENT OF DEFENSE

Department of the Army

Corps of Engineers

33 CFR Part 334

Restricted Area, San Nicholas Island, Ventura County, CA

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Interim final rule.

SUMMARY: This interim final rule invites comments on the U.S. Army Corps of Engineers proposal to amend the regulations which establish a naval restricted area in the waters of the Pacific Ocean surrounding San Nicholas Island, Ventura County, California. The existing restricted area regulation prohibits dredging, dragging, seining and other fishing operations. These regulations will be amended to also prohibit anchoring within the section designated as ALPHA. This is essential to protect undersea cables in that area.

DATES: Effective on April 19, 1993. Written comments must be submitted on or before May 19, 1993.

ADDRESS: HQUSACE, Attn: CECW–OR, Washington, DC 20314–1000.

FOR FURTHER INFORMATION CONTACT: Ms. Tiffany Welch at (805) 641–1127 or Mr. Ralph Eppard at (202) 272–1783.

SUPPLEMENTARY INFORMATION: Pursuant to its authorities in section 7 of the Rivers and Harbors Act of 1917 (40 Stat. 266; 33 U.S.C. 1) and chapter XIX of the Army Appropriations Act of 1919 (40 Stat. 892; 33 U.S.C. 3), the Corps is proposing to amend the regulations in 33 CFR 334.980. The Commander Undersea Surveillance, Pacific Fleet, U.S. Navy, has requested that the Corps amend 33 CFR 334.980(d)(3) to prohibit anchorage indefinitely within ALPHA section surrounding San Nicholas Island. The current regulations governing the area forbid dredging, dragging, seining, and other fishing operations. There are no anticipated navigational hazards or interference with existing waterway traffic. There are no recreational or commercial fisheries presently in or using the waters within ALPHA section, as it is presently closed to the general public because of ongoing naval activities. Therefore, no loss of resources or use of resources would be borne by the public. On January 2, 1993, the Corps Los Angeles District Engineer issued a public notice soliciting comments on this proposed amendment to all known interested parties. The District did not receive any objections to this amendment. In view of the existing threat to the security of the Navy's property within the ALPHA section, this interim final rule is effective upon issuance in the **Federal Register**. The Corps will consider all comments received in response to this interim final rule and in the event substantive comments are received, the Corps will take appropriate action, which may include further revision or suspension of the rules.

Economic Assessment and Certification

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12291 do not apply. These proposed rules have been reviewed under the Regulatory Flexibility Act (P.L. 96–354), which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small businesses (i.e., small businesses and small Government jurisdictions.) It has been determined that this rule will not have a significant economic impact on a substantial number of small entities and that preparation of a regulatory flexibility analysis is not warranted.

List of Subjects in 33 CFR Part 334

Navigation (water), transportation, restricted areas.

In consideration of the above, the Corps is proposing to amend part 334 of title 33 to read as follows:

PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

1. The authority citation for part 334 continues to read as follows:

Authority: 40 Stat. 266; (33 U.S.C. 1) and 40 Stat. 892; (33 U.S.C. 3).

2. Section 334.980 is amended by revising paragraph (d)(3) to read as follows:

§ 334.980 Pacific Ocean, around San Nicholas Island, Calif.; Naval restricted area.

* * * * *

(d) *The regulations* * * *

(3) Dredging, dragging, seining, anchoring and other fishing operations within ALPHA section of the area are prohibited at all times.

* * * * *

Approved:

Stanley G. Genega,

Brigadier General (P), USA, Director of Civil Works.

[FR Doc. 93–8901 Filed 4–16–93; 8:45 am]

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April 19, 1993

Part IV

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 7

Alcoholic Content Labeling for Malt Beverages; Rule and Proposed Rule

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 7

[T.D. ATF-339]

RIN 1512-AB17

Alcoholic Content Labeling for Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Interim rule (Treasury decision).

SUMMARY: These interim regulations provide guidelines for the labeling of malt beverages with a statement of the alcoholic content. These regulations are a result of the recent decision in U.S. District Court for the District of Colorado in the case of *Adolph Coors Brewing Co.* v. *Nicholas Brady, et al.* That decision held the Federal Alcohol Administration Act prohibition against statements of alcoholic content on malt beverages to be unconstitutional under the First Amendment, and ordered ATF not to enforce this statutory provision. The Government sought but was denied a stay from this order pending appeal.

These regulations permit, but do not require, the labeling of malt beverages with the percentage of alcohol by volume. They prescribe minimum and maximum type sizes, the method of stating the alcoholic content, and the tolerance for alcoholic content statements. They also retain the existing prohibition against the use of descriptive words indicative of alcoholic strength on labels, and retain the prohibition on using alcoholic content, or descriptive words implying alcoholic strength, in the advertising of malt beverages.

These regulations do not supersede State laws which may require alcoholic content statements to appear in a different form than prescribed, nor do they supersede State laws which may prohibit the appearance of alcoholic content statements on labels of malt beverages.

ATF is issuing these regulations to give brewers and importers guidance on the labeling of malt beverages with their alcoholic content as long as ATF remains enjoined from enforcing existing laws and regulations generally prohibiting alcoholic content statements.

A separate notice of proposed rulemaking appears elsewhere in this issue of the **Federal Register**. This notice solicits comments for a 90-day period on the regulations contained in this interim rule.

DATES: This interim rule is effective April 19, 1993. Existing § 7.26 is suspended indefinitely as of April 19, 1993.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226; telephone (202) 927-8230.

SUPPLEMENTARY INFORMATION:

The Federal Alcohol Administration Act

The Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205 (e) and (f) authorizes the Secretary to issue regulations as will prohibit malt beverage labeling and advertising from containing any statement which is false, deceptive, misleading, or is likely to mislead the consumer regarding the product. Additionally, section 205 (e) and (f) authorize the Secretary to prescribe regulations as will provide the consumer with adequate information as to the identity and quality of a malt beverage, except that statements of, or statements likely to be considered as statements of, alcoholic content of malt beverages are prohibited unless required by State law.

Regulations Under the FAA Act

Regulations which implement these provisions of the FAA Act are set forth in 27 CFR part 7, Labeling and Advertising of Malt Beverages. Sections 7.26 and 7.29(f) prohibit statements of actual alcoholic content, or statements likely to be considered as statements of alcoholic content, from appearing on labels of malt beverage containers, unless required by State law. Similar prohibitions exist in § 7.54(c) relating to the advertising of malt beverages.

The only references to alcoholic content permitted under part 7 are found in § 7.26. This section requires the legend "contains less than 0.5 percent (or .5%) alcohol by volume" to appear in direct conjunction with the term "non-alcoholic," when that phrase is used on the label of a "non-alcoholic" malt beverage. It also permits malt beverages which contain less than 2.5 percent alcohol by volume to be designated as "low alcohol" or "reduced alcohol" beer, ale, and so forth. This section prohibits the labeling of either non-alcoholic or low/reduced alcohol malt beverages with the actual alcoholic content, unless required by State law. All other statements of, or statements indicative of, alcoholic content of malt beverages are prohibited by regulations at §§ 7.26, 7.29(f), and 7.54(c).

Adolph Coors Brewing Co. v. James Baker, et al.

On July 27, 1987, the Adolph Coors Brewing Company brought an action in the United States District Court for the District of Colorado, seeking a declaration that the provisions of the FAA Act, 27 U.S.C. 205(e)(2) and 27 U.S.C. 205(f)(2) are unconstitutional restraints of commercial speech in violation of the First Amendment of the Constitution. By order of May 31, 1989, the district court declared the FAA Act provisions in question unconstitutional. On appeal, this decision was reversed and remanded. *See Adolph Coors Brewing Co.* v. *Nicholas Brady, et al.*, 944 F.2d 1543 (10th Cir. 1991). On remand, the district court conducted a trial during the last week of October 1992, and upheld the constitutionality of the advertising prohibition of section 205(f)(2), while striking down the section 205(e)(2) prohibition against statements of alcoholic content on malt beverage labels on First Amendment grounds. The court found that it was extremely important for consumers to be able to know the alcoholic content of what they are drinking. The court further found that as long as ATF has the authority to regulate the use of alcoholic content in advertising, no alcoholic strength wars would occur by disclosing alcoholic content on labels. ATF will continue to enforce the implementing regulations which prohibit the use of descriptive words indicating alcoholic strength such as "strong," "extra strength," or similar words or phrases on malt beverage labels.

Current Status

The Government continues to believe the prohibition to be Constitutional and on November 9, 1992, filed a notice of appeal to the 10th Circuit Court of Appeals. Pending the resolution of this case, however, ATF has been directed to allow alcoholic content statements on malt beverage labels. Nevertheless, the court order does not negate ATF's other authority in the statute to ensure that label information is truthful, accurate and not misleading. Therefore, the purpose of these regulations is to ensure that to the extent that alcohol statements are to appear on labels, these statements are truthful, accurate and not misleading.

Alcoholic Content Labeling Regulations

As a result of the October 28, 1992, decision in the district court, ATF is issuing these interim regulations to

provide guidelines which optionally permit the labeling of malt beverages with the alcoholic content. While these regulations are being adopted, ATF advises consumers, brewers, bottlers, importers, wholesalers, retailers, and other interested persons that they could be rescinded at a future date should the courts uphold the constitutionality of the statute.

Existing § 7.26, Alcoholic content, is being suspended for an indefinite period of time. This action leaves its provisions in part 7, but adds a cautionary note to the section advising persons that its provisions are suspended. Section 7.26 will be removed or reinstated in a future Federal Register document. ATF is adding a new subpart, subpart H, and a new section, § 7.71, Alcoholic content, to part 7. Section 7.71 contains requirements relating to alcoholic content statements on malt beverage labels.

Mandatory Versus Optional Statement of Alcoholic Content

Section 7.71 permits the statement of alcoholic content on labels of malt beverages to appear as optional rather than mandatory information. ATF recognizes that any change in labeling requirements results in costly label changes for brewers and importers, and that any change can be particularly burdensome to small companies who may possess a large inventory of labels. This change is the result of a court action which has not been finally resolved. Should the courts ultimately uphold the constitutionality of the statutory prohibition of alcoholic content statements, the provisions of existing § 7.26 which prohibits any statement of alcoholic content on labels unless required by State law would again become the operative rule. ATF is, therefore, permitting brewers and importers the option to show or not to show alcoholic content on their labels until a permanent resolution of this issue is achieved. Also, due to public comment, specific requirements about placement of the alcoholic content statement on the label, type size, prominence, and so forth may change. In this case, it might be necessary for companies to redesign labels to accommodate these changes. It is not ATF's desire to require companies to make multiple label changes when implementing a new labeling requirement. Therefore, the inclusion of alcoholic content on malt beverage labels is optional at this time.

ATF believes that if a future court action ultimately does not uphold the existing statute prohibiting statements of alcoholic content, or if future legislative action removes the current statutory prohibition, then ATF would consider making the statement of alcoholic content mandatory on labels of malt beverages.

Placement

Statement of alcoholic content is not mandatory information on malt beverage labels. ATF has not, in the past, prescribed the location where non-mandatory information should appear. Thus, the statement of alcoholic content may appear on a brand label, or on a back label or neck label. Alternatively, such statement may appear on the lid of a can or crown of a bottle. Regardless of whether it appears on a label or on a lid or crown, it is subject to all requirements in § 7.71 relating to type size and form of statement, as well as to all label approval requirements.

ATF is permitting the optional statement of alcoholic content to appear on a can lid or bottle crown as a fast, cost-effective measure which allows brewers and importers to implement this interim rule quickly. It is possible that its placement on a lid or crown may not be permitted when a final rule is issued in the future. ATF welcomes comment on this issue.

Form of Statement

Under existing regulations, when alcoholic content is placed on a label, it must be stated as percent alcohol by volume, unless a State law requires that it be stated as percent alcohol by weight, or stated in some other fashion.

In § 7.71(b)(1), ATF is requiring alcoholic content to be labeled as percent alcohol by volume in order to be consistent with §§ 4.36 and 5.37 which require alcoholic content to be expressed in percent alcohol by volume on wine and distilled spirits labels. ATF believes it will be easier for consumers to compare the alcoholic content of a malt beverage with the alcoholic content of wines and distilled spirits, as well as with other malt beverages, if all statements of alcoholic content use the same units of measurement. ATF is not providing for a range of alcoholic content to be used in the labeling of malt beverages (such as "contains not more than 5.0% alcohol by volume"). ATF believes that labeling with a range would not provide as much accuracy and would be less useful to consumers than an actual statement of alcoholic content. However, § 7.71 does permit labels to show alcoholic content by weight or by a range in a particular State, if the statement is required to appear in that fashion by that State law.

Under § 7.71(b)(2), the alcoholic content statement will be expressed in tenths of a percent for malt beverages containing 0.5 percent or more alcohol by volume. For products containing less than 0.5 percent alcohol by volume, the statement will be expressed in hundredths of a percent alcohol by volume.

Section 7.71(b)(3) specifies the manner of statement of alcoholic content. Such statements must appear as "alcohol—percent by volume," "alcohol by volume—percent," "— percent alcohol by volume," or "—percent alcohol/volume." The abbreviations "alc" and "vol" may be used in lieu of the words "alcohol" and "volume," and a percentage sign may also be used. Thus, statements such as "alc—% by vol," "alc by vol—%," "—% alc by vol," and "—% alc/vol" are acceptable on malt beverage labels.

In the event that a State requires an alcoholic content statement in one format, and the brewer or importer desires to place the optional statement of alcoholic content on a label in conformity with § 7.71, ATF will approve labels showing both statements, providing they are not in conflict. For example, ATF will approve a label stating "alc. 4% by weight" (State required), and "5% alc/vol" (optional). Such label will be qualified for use only in the State where the former statement of alcoholic content is required in that format.

Tolerances

Section 7.71(c) provides for certain tolerances from the labeled alcoholic content.

For most malt beverages containing at least 0.5 percent alcohol by volume, the tolerance is 0.3 percent, either above or below the stated alcoholic content; i.e., a beer labeled as "4.5% alc/vol" may contain from 4.2 to 4.8 percent alcohol by volume. This tolerance permits normal variations in the production of beer, ale, and so forth brought about by differences in raw materials and brewing practices. However, a malt beverage labeled as containing 0.5 percent or more alcohol by volume may not contain less than 0.5 percent alcohol by volume, regardless of the tolerance. This restriction is necessary because a malt beverage containing less than 0.5 percent alcohol by volume is not taxable, and may not be labeled as "beer," "ale," or other term used to describe a taxable malt beverage. For example, the tolerance for a beer labeled "contains 0.6% alc/vol" would permit it to contain between 0.9 and 0.5 percent alcohol by volume.

Existing § 7.26(b) permits a malt beverage to be labeled "low alcohol" or "reduced alcohol" if it contains less than 2.5 percent alcohol by volume. This provision is continued at § 7.71(d). For malt beverages labeled with these terms, (whether or not a statement of alcoholic content also appears on the label), the tolerance provided in § 7.71(c)(2) does not permit the actual alcoholic content to equal or exceed 2.5 percent by volume since a beer labeled as "low alcohol" but actually containing 2.5 percent or more alcohol by volume no longer meets the standard for a "low alcohol" malt beverage. As an example, a product labeled as "low alcohol beer" and also labeled "2.4% alc/vol" may contain from 2.1 to less than 2.5 percent alcohol by volume.

A different tolerance applies for malt beverages containing less than 0.5 percent alcohol by volume. For these, the tolerance in § 7.71(c)(3) is a "no plus" tolerance; i.e., the actual alcoholic content may not exceed the labeled alcoholic content. For example, a malt beverage labeled as "contains 0.25% alc/vol" may contain from 0.0 to 0.25 percent alcohol by volume. It may not contain more than 0.25 percent alcohol by volume. The reason for the "no plus" tolerance is that many non-alcoholic malt beverages are marketed on the basis of the small amount of alcohol contained in them. ATF believes that it would be misleading to consumers to purchase product containing more than the labeled content of alcohol when the low alcohol content may be a primary reason for the selection of a particular malt beverage.

Existing § 7.26(d) permits a malt beverage to be labeled "alcohol free" only if it contains absolutely no alcohol. This provision is continued at § 7.71(f). Because of the unique nature of "alcohol free" products and the "no plus" tolerance for products containing less than 0.5 percent alcohol by volume, § 7.71(c)(3) does not permit a malt beverage to be labeled "contains 0.0% alc/vol" unless it is also labeled "alcohol free" and contains no alcohol. Brewers and importers may not "round down" to 0.0 percent; i.e. a malt beverage containing 0.004% alcohol by volume may not be "rounded down" to state "0.0% alcohol by volume" on the label.

Type Size

Existing § 7.28(b) prescribes the type size required for mandatory information on malt beverage labels. This section currently restricts statements of alcoholic content to not larger than 2 millimeters in size, unless otherwise specified by State law. It further states that all portions of the alcoholic content statement shall be of the same size and kind of lettering and of equally conspicuous color, unless otherwise required by State law.

All provisions relating to type size requirements for statements of alcoholic content are included in a new paragraph, § 7.28(b)(3). This paragraph imposes a minimum type size requirement on statements of alcoholic content of 1 millimeter for labels on containers of one-half pint or less, and 2 millimeters for containers in excess of one-half pint. Provisions requiring the same size and style of lettering, and equally conspicuous color of type are unchanged.

This paragraph prescribes a maximum type size for statements of alcoholic content. For containers of 40 fl. oz. or less, the maximum type size is 3 millimeters. For larger containers, the largest type size is 4 millimeters.

Use of "Strong," "Full Strength," and Similar Words

Existing § 7.29(f) prohibits the use of the words "strong," "full strength," "extra strength," "high test," "high proof," "pre-war strength," "full oldtime alcoholic strength," and similar words or statements, likely to be considered as statements of alcoholic content, on labels of malt beverages. Since 1935, regulations under the FAA Act have prohibited these words from appearing on labels of malt beverages in order to prevent them from being sold on the basis of alcoholic content. These words may appear on labels only if required by State law.

The district court's decision in October 1992 let stand ATF's regulations which restrict the use of such "power" or "strength" words in labeling and advertising malt beverages. The court found that while it was important that consumers be informed as to the actual alcoholic content of products which they consume, the government does have a legitimate and substantial interest in preventing "strength wars" in labeling and advertising malt beverages.

Thus, the restriction on the use of such "strength" words found at § 7.29(f) remains, as does the restriction on use of numerals or characters implying alcoholic strength in § 7.29(g). Brewers and importers may not use "strong" "extra strength" and other words on labels which imply that a malt beverage is high in alcoholic strength. Section 7.29(f) and (g) is amended to remove the prohibition on labeling a malt beverage with a statement of alcoholic content, as permitted by § 7.71.

Advertising

As noted previously, the district court upheld the constitutionality of the advertising prohibition of section 205(f), and found that ATF has the authority to regulate the use of alcoholic content in advertising of malt beverages.

Present § 7.54(c) prohibits the use in advertising of words such as "strong," "full strength," "extra strength," "high test," "high proof," "full alcohol strength," and prohibits the use of other statements of alcoholic content, or the percentage and quantity of the original extract, or any numerals, letters, characters, figures, or similar words or statements, likely to be considered as statements of alcoholic content, unless required by State law.

Based on the court's decision, ATF is making no change to § 7.54(c) which prohibits use of so-called "strength" words in advertising malt beverages. Further, ATF is not amending either this section or § 7.52, Mandatory statements, to require or to permit the use of statements of alcoholic content in the advertising of malt beverages. In this respect, ATF is merely continuing to implement the prohibition on the use of alcohol content in the advertising of malt beverages as it appears in section 105(f)(2) of the FAA Act.

ATF is, however, amending § 7.54(c) to permit the use or appearance in advertising of approved malt beverage labels or bottles bearing a statement of alcoholic content. This allows an advertiser to use a picture of an approved malt beverage label containing a statement of the alcoholic content, or an actual bottle, in an advertisement for that product. This provision parallels the provisions of § 4.64(a)(8) as it applies to the appearance of an approved label with the alcoholic content, in an advertisement for a wine.

This section is further qualified to prohibit the statement of alcoholic content on an approved label from appearing more prominently within the advertisement than the statement does on the approved label. This is intended to prohibit the use of labels in an advertisement in such a manner that the alcoholic content is emphasized or given more prominence than it has on the label itself.

Certificates of Label Approval

New Certificates of Label Approval (COLA's) are not required of brewers and importers who wish to add the optional statement of alcoholic content to their labels. ATF is expanding the existing condition in paragraph 2.m. on the reverse of ATF Form 5100.31 to permit addition of, a change in, or the

deletion of the optional statement of alcoholic content on a malt beverage label without submission of a new COLA.

ATF cautions brewers and importers who add or change the statement of alcoholic content on their labels without submission of a COLA, that such statement must be in conformity with all requirements set out in §§ 7.28 and 7.71. Furthermore, ATF cautions against the addition or change in the alcoholic content statement which results in the repositioning of mandatory label information. We encourage brewers and importers to submit new COLA's if their labels are changed to add or revise the optional statement of alcoholic content.

When submitting COLA's for containers for which the statement of alcoholic content is on the can lid or bottle crown, it will be necessary to submit either the actual lid or crown, or a drawing or photograph of them, together with the can or bottle label.

In the past, ATF has approved COLA's for malt beverage labels bearing statements of alcoholic content with the qualification "This approval is operative only in States requiring the word 'strong' or a statement of alcoholic content in the form shown on the label below." ATF will no longer approve COLA's with this qualification unless the statement of alcoholic content on the label is not in conformity with the requirements set forth in § 7.71. In this case, ATF will assume that the statement of alcoholic content differs from § 7.71 because a State requires it to be in the form shown on the label. Thus, ATF suggests that brewers or importers who submit malt beverage labels bearing a statement of alcoholic content not in conformity with § 7.71, or bearing statements such as "strong beer," submit an explanation with the COLA, stating that the label is for use in a State which requires a statement of alcoholic content in that form. ATF will continue to approve these COLA's with the above qualification, and they will be operative only in States which require that form of alcoholic content statement.

Administrative Procedure Act

The changes made by this interim regulation are the result of a U.S. district court decision handed down on October 28, 1992. That decision found that certain provisions of the Federal Alcohol Administration Act, 27 U.S.C. 205(e)(2), are an infringement on First Amendment rights. ATF is, therefore, not able to enforce certain provisions of the FAA Act or certain regulations in 27 CFR part 7 which implement that Act, as of the effective date of the court's order. A stay of this order was sought by the government and denied by the Tenth Circuit Court on December 11, 1992.

Moreover, ATF finds that brewers, importers, wholesalers, bottlers, retailers, consumers, and other interested persons have an immediate need for guidance as to the labeling of malt beverage containers with the alcoholic content, since existing regulations neither permit nor provide guidelines for any such labeling.

Consequently, it is found that it would be impracticable to issue these regulations with notice and public procedure under 5 U.S.C. 553(b) or subject to the effective date limitation of 5 U.S.C. 553(d).

Executive Order 12291

In compliance with Executive Order 12291 issued February 17, 1981, ATF has determined that this document does not constitute a "major rule" since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and,

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to a final regulatory flexibility analysis (5 U.S.C. 604) are not applicable to this interim rule because the agency is not required to publish a general notice of proposed rulemaking under 5 U.S.C. 553 or any other law.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this interim rule because no requirement to collect information is imposed.

Drafting Information

The principal author of this document is Charles N. Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, Labeling.

Authority and Issuance

Accordingly, under the authority in 27 U.S.C. 205, 27 CFR part 7, Labeling and Advertising of Malt Beverages, is amended to read as follows:

PART 7—[AMENDED]

Paragraph 1. The authority citation for part 7 continues to read as follows:

Authority: 27 U.S.C. 205.

Par. 2. Section 7.22 is amended by revising paragraph (b)(3) to read as follows:

§ 7.22 Mandatory label information.

* * * * *

(b) * * *

(3) Alcoholic content, when required by State law, in accordance with § 7.71.

* * * * *

Pars. 3 and 4. Section 7.26 is suspended indefinitely and the title of the section is revised, to read as follows:

§ 7.26 Alcoholic content [suspended as of April 19, 1993; see § 7.71].

* * * * *

Par. 5. Section 7.28 is amended by revising paragraph (b) to read as follows:

§ 7.28 General requirements.

* * * * *

(b) *Size of type*—(1) *Containers of more than one-half pint.* Except for statements of alcoholic content, all mandatory information required on labels by this part shall be in script, type, or printing not smaller than 2 millimeters. If contained among other descriptive or explanatory information, the script, type, or printing of all mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

(2) *Containers of one-half pint or less.* Except for statements of alcoholic content, all mandatory information required on labels by this part shall be in script, type, or printing not smaller than 1 millimeter. If contained among other descriptive or explanatory information, the script, type, or printing of all mandatory information shall be of a size substantially more conspicuous than that of the descriptive or explanatory information.

(3) *Alcoholic content statement.* All portions of the alcoholic content statement shall be of the same size and kind of lettering and of equally conspicuous color. Unless otherwise required by State law, the statement of alcoholic content shall be in script, type, or printing:

(i) Not smaller than 1 millimeter for containers of one-half pint or less, or

smaller than 2 millimeters for containers larger than one-half pint; or

(ii) Not larger than 3 millimeters for containers of 40 fl. oz. or less, or larger than 4 millimeters for containers larger than 40 fl. oz.

* * * * *

Par. 6. Section 7.29 is amended by revising paragraphs (f) and (g), to read as follows:

§ 7.29 Prohibited practices.

* * * * *

(f) *Use of words "strong," "full strength," and similar words.* Labels shall not contain the words "strong," "full strength," "extra strength," "high test," "high proof," "pre-war strength," "full oldtime alcoholic strength," or similar words or statements, likely to be considered as statements of alcoholic content, unless required by State law. This does not preclude use of the terms "low alcohol," "reduced alcohol," "non-alcoholic," and "alcohol-free," in accordance with § 7.71 (d), (e), and (f), nor does it preclude labeling with the alcohol content in accordance with § 7.71.

(g) *Use of numerals.* Labels shall not contain any statements, designs, or devices, whether in the form of numerals, letters, characters, figures, or otherwise, which are likely to be considered as statements of alcoholic content, unless required by State law, or as permitted by § 7.71.

* * * * *

Par. 7. Section 7.54 is amended by revising paragraph (c) to read as follows:

§ 7.54 Prohibited statements.

* * * * *

(c) *Alcoholic content.* (1) Advertisements shall not contain the words "strong," "full strength," "extra strength," "high test," "high proof," "full alcohol strength," or any other statement of alcoholic content, or any statement of the percentage and quantity of the original extract, or any numerals, letters, characters, figures, or similar words or statements, likely to be considered as statements of alcoholic content, unless required by State law. This does not preclude use of the terms "low alcohol," "reduced alcohol," "non-alcoholic," and "alcohol-free," as used on labels, in accordance with § 7.71 (d), (e), and (f).

(2) An approved malt beverage label which bears a statement of alcoholic content permitted under § 7.71 may be depicted in any advertising media. The statement of alcoholic content on the label may not appear more prominently in the advertisement than it does on the approved label.

(3) An actual malt beverage bottle showing the approved label bearing a statement of alcoholic content permitted under § 7.71 may be displayed in any advertising media.

* * * * *

Par. 8. New subpart H is added immediately following § 7.60 to read as follows:

Subpart H—Interim Regulations for Alcoholic Content Statements

§ 7.71 Alcoholic content.

(a) *General.* Alcoholic content and the percentage and quantity of the original gravity or extract may be stated on a label unless prohibited by State law. When alcoholic content is stated, and the manner of statement is not required under State law, it shall be stated as prescribed in paragraph (b) of this section.

(b) *Form of statement.* (1) Statement of alcoholic content shall be expressed in percent alcohol by volume, and not by percent by weight, proof, or by maximums or minimums.

(2) For malt beverages containing 0.5 percent or more alcohol by volume, statements of alcoholic content shall be expressed to the nearest one-tenth of a percent, subject to the tolerance permitted by paragraph (c) (1) and (2) of this section. For malt beverages containing less than 0.5 percent alcohol by volume, alcoholic content may be expressed in one-hundredths of a percent, subject to the tolerance permitted in paragraph (c)(3) of this section.

(3) Alcoholic content shall be expressed in the following fashion: "alcohol—percent by volume," "alcohol by volume—percent," "—percent alcohol by volume," or "—percent alcohol/volume." The abbreviations "alc" and "vol" may be used in lieu of the words "alcohol" and "volume," and the symbol "%" may be used in lieu of the word "percent."

(c) *Tolerances.* (1) For malt beverages containing 0.5 percent or more alcohol by volume, a tolerance of 0.3 percent will be permitted, either above or below the stated percentage of alcohol. Any malt beverage which is labeled as containing 0.5 percent or more alcohol by volume may not contain less than 0.5 percent alcohol by volume, regardless of any tolerance.

(2) For malt beverages which are labeled as "low alcohol" or "reduced alcohol" under paragraph (d) of this section, the actual alcoholic content may not equal or exceed 2.5 percent alcohol by volume, regardless of any tolerance permitted by paragraph (c)(1) of this section.

(3) For malt beverages containing less than 0.5 percent alcohol by volume, the actual alcoholic content may not exceed the labeled alcoholic content. A malt beverage may not be labeled with an alcoholic content of 0.0 percent alcohol by volume unless it is also labeled as "alcohol free" and contains no alcohol.

(d) *Low alcohol and reduced alcohol.* The terms "low alcohol" or "reduced alcohol" may be used only on malt beverages containing less than 2.5 percent alcohol by volume.

(e) *Non-alcoholic.* The term "non-alcoholic" may be used on malt beverages, provided the statement "contains less than 0.5 percent (or .5%) alcohol by volume" appears in direct conjunction with it, in readily legible printing and on a completely contrasting background.

(f) *Alcohol free.* The term "alcohol free" may be used only on malt beverages containing no alcohol.

Signed: February 26, 1993.

Daniel R. Black,

Acting Director.

Approved: March 5, 1993.

John P. Simpson,

Deputy Assistant Secretary, (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 93-8848 Filed 4-16-93; 8:45 am]

BILLING CODE 4810-31-U

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 7

[Notice No. 772]

RIN: 1512-AB17

Alcoholic Content Labeling for Malt Beverages

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Notice of proposed rulemaking cross referenced to interim regulations.

SUMMARY: In today's Federal Register, ATF is issuing an interim rule containing guidelines for the statement of alcoholic content on malt beverage labels. These interim regulations are a result of the recent decision in U.S. District Court for the District of Colorado in the case of *Adolph Coors Brewing Co.* v. *Nicholas Brady, et al.*, which enjoined ATF from enforcing the portion of the Federal Alcohol Administration Act relating to statements of alcoholic content on malt beverage containers.

These interim regulations permit the optional statement on a malt beverage label of the alcoholic content, and provide guidance regarding the form of the statement, type size, and so forth. They do not supersede State laws regarding statements of alcoholic content on malt beverage labels, nor do they supersede State laws which may prohibit such statements from appearing on malt beverage labels.

The text of those interim regulations serve as the text of this notice of proposed rulemaking.

DATES: Written comments must be received on or before July 19, 1993.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221; Attn: Notice No: 772.

Copies of written comments received in response to this notice will be available for public inspection during normal business hours at: ATF Reference Library, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Avenue NW., Washington, DC 20226.

FOR FURTHER INFORMATION CONTACT: Charles N. Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226; telephone (202) 927-8230.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

In compliance with Executive Order 12291 issued February 17, 1981, ATF has determined that this proposal is not a major rule since it will not result in:

(a) An annual effect on the economy of $100 million or more;

(b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and,

(c) Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

It is hereby certified that this proposal will not have a significant economic impact on a substantial number of small entities. This proposal requests comment on a labeling option for malt beverage bottlers and importers which has been mandated by the courts. Since it is optional, it does not impose any new labeling, reporting, or recordkeeping requirements on bottlers or importers. Based on the above, the proposal will not have a significant economic impact on a substantial number of small entities.

Accordingly, a regulatory flexibility analysis is not required because the proposal is not expected (1) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or (2) to have secondary, or incidental effects on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this notice of proposed rulemaking rule because no requirement to collect information is imposed.

Questions for Public Comment

The text of the interim rule appearing elsewhere in this Federal Register serves as the text for this notice of proposed rulemaking. ATF is especially interested in receiving comments concerning the specific guidelines contained in the interim rule. Thus, ATF invites comments addressed to: The manner of stating alcoholic content on malt beverage labels; whether other methods such as a range of alcoholic content, or maximums or minimums should be permitted; the tolerances provided from the stated alcoholic content; the maximum and minimum type size requirements; whether specific restrictions should be imposed on the placement of alcoholic content statements; whether alcoholic content statements should be required to appear in conjunction with mandatory information; whether ATF should consider making the statement of alcoholic content mandatory label information in the future; and whether the number of such statements on a label should be limited by regulation.

Public Participation—Written Comments

ATF requests comments from all interested persons. All comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which a respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of any person submitting a comment is not exempt from disclosure.

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8-½" x 11" in size; (3) contain a written signature; and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

Drafting Information

The principal author of this document is Charles N. Bacon, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 7

Advertising, Beer, Consumer protection, Customs duties and inspection, Imports, and Labeling.

Authority. This notice of proposed rulemaking is issued under the authority of 27 U.S.C. 205.

Signed: February 26, 1993.

Daniel R. Black,

Acting Director.

Approved: March 5, 1993.

John P. Simpson,

Deputy Assistant Secretary (Regulatory, Tariff & Trade Enforcement).

[FR Doc. 93–8847 Filed 4–16–93; 8:45 am]

BILLING CODE 4810–31–U

federal register

Monday
April 19, 1993

Part V

Department of the Interior

Bureau of Indian Affairs

Fiscal Year 1993 Indian Child Welfare Act Grant Program, Availability of Title II ICWA Funds; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Fiscal Year (FY) 1993 Indian Child Welfare Act (ICWA) Grant Program, Availability of Title II ICWA Funds

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability of grant funds.

SUMMARY: Title II of the Indian Child Welfare Act (ICWA), Public Law 95–608, makes grant funds available to off-reservation Indian organizations from the Bureau of Indian Affairs (BIA), Department of the Interior, for the operation and maintenance of off-reservation Indian child and family service programs. In anticipation of the conversion from a competitive to noncompetitive grant award system for Indian tribes in FY 1993, no applications from federally recognized Indian tribes will be accepted under this announcement.

DATES: The closing date for receipt of applications for this program is May 28, 1993.

ADDRESSES: Applications must be sent to the appropriate Bureau of Indian Affairs area office listed in Part IV of this announcement.

FURTHER INFORMATION CONTACT: The Bureau of Indian Affairs' area office nearest to the applicant, or Betty Tippeconnie, BIA Division of Social Services, room 310 SIB, 1849 C Street NW., Washington, DC 20240. Telephone (202) 208–2721.

SUPPLEMENTARY INFORMATION: The Indian Child Welfare Act, Public Law 95–608, authorized the utilization of funds for grants to off-reservation Indian organizations and multi-service Indian centers. This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Pursuant to 25 CFR part 23, the Assistant Secretary—Indian Affairs is announcing procedures necessary to apply for grant funds under Title II of the Indian Child Welfare Act.

Only applications for single-year projects will be accepted under this announcement; no multi-year grant applications will be accepted. A national allocation of $1,735,125 is available for single-year off-reservation ICWA grant applications. It is important that applicants carefully review requirements detailed in this announcement related to deadlines, indirect costs, and page limitations. If an application is not received by the close of business on May 28, 1993, it will not be considered.

Part I. General Information

A. Background

Under section 202 of Public Law 95–608 (25 U.S.C. 1932), the Secretary is authorized to make grants to off-reservation Indian organizations to establish and operate off-reservation Indian child and family service programs for the purpose of stabilizing and preventing the breakup of Indian families and, in particular, to ensure that the permanent removal of an Indian child from the custody of his/her Indian parent or custodian shall be an action of last resort. (Pub. L. 95–608; 25 U.S.C. 1902; 25 U.S.C. 1932).

B. Purpose of BIA Indian Child Welfare Act Grant Program

The objective of every Indian child and family services program shall be to prevent the breakup of Indian families, and ensure that the permanent removal of an Indian child from the custody of his/her Indian parent or custodian shall be a last resort.

BIA's ICWA grants are for the specific purposes delineated in the statute and may include, but are not limited to:

(1) A system for regulating, maintaining, and supporting Indian foster and adoptive homes, including a subsidy program under which Indian adoptive children may be provided support comparable to that for which they would be eligible as Indian foster children, taking into account the appropriate state standards of support for maintenance and medical needs;

(2) The operation and maintenance of facilities and services for the counseling and treatment of Indian families and Indian foster and adoptive children;

(3) Family assistance (including home services and home counselors), day care, afterschool care, and employment, recreational activities, and respite care; and

(4) Guidance, legal representation and advice to Indian families involved in state child custody proceedings.

C. Eligible Applicants

The board of directors of any nonprofit off-reservation Indian organization or multi-service Indian center may apply for a grant under this announcement. New applications for projects of one year's duration to be funded in FY 1993 may be submitted in response to this announcement. No applicant may submit more than one application during this grant period.

Part II. Available Funds

In FY 1993, off-reservation Indian organizations shall compete for a national allocation of $1,735,125, the amount earmarked by the Congress for this purpose. Subject to the availability of funds through appropriations for this program in FY 1993, grants will be awarded to off-reservation Indian organizations within the following categories:

(a) A maximum of up to $25,000 for eligible applicants with a total service area population of 500 or less;

(b) A maximum of up to $35,000 for eligible applicants with a total service area population greater than 500 but less than 1,500;

(c) A maximum of up to $45,000 for eligible applicants with a total service area population greater than 1,500 but less than 3,000;

(d) A maximum of up to $55,000 for eligible applicants with a total service area population of 3,000 but less than 5,000;

(e) A maximum of up to $65,000 for eligible applicants with a total service area population greater than 5,000 but less than 8,000;

(f) A maximum of up to $80,000 for eligible applicants with a total service area population greater than 8,000 but less than 20,000;

(g) A maximum of up to $110,000 for eligible applicants with a total service area population greater than 20,000 but less than 40,000;

(h) A maximum of up to $140,000 for eligible applicants with a total service area population greater than 40,000 but less than 60,000;

(i) A maximum of up to $175,000 for eligible applicants with a total service area population greater than 60,000 but less than 90,000;

(j) A maximum of up to $250,000 for eligible applicants with a total service area population greater than 90,000 but less than 140,000;

(k) A maximum of up to $350,000 for eligible applicants with a total service area population greater than 140,000 but less than 180,000; and

(l) A maximum of up to $500,000 for eligible applicants with a total service area population over 180,000.

Under no circumstances may any Indian organization or multi-service center receive Indian Child Welfare Act grant funds greater than the maximum grant amount of $500,00 either through a direct grant or through subgranting procedures with approved applicants.

The service area population is the total number of Indians eligible for services under 25 CFR 23.2(d)(3) in the geographical area to which the Indian

organization or multi-service center can realistically provide the services proposed in the application. The service area population is used only to determine the maximum grant amount for which an organization or multi-service center may be eligible.

These population figures must be based upon substantiated, identifiable statistical sources. Applicants must submit copies of recent statistical data from sources which support their service area figures, such as off-reservation population information, U.S. Census data, or service area population data maintained by Indian Health Service.

All costs associated with the administration of proposed projects shall be line-itemized. Indirect costs as well as all other administrative costs must be broken down by percentage and dollar amounts. All administrative costs will be carefully scrutinized in relation to the funds proposed to be used for direct services. If the applicant does not itemize indirect costs in its proposed budget, a total of five points will automatically be deducted from Criterion V—"Fiscal Capabilities. Budget and Budget Justification, Part (b)."

In accordance with 25 CFR 23.25(a)(8), the reasonableness and relevance of the estimated costs for the project are considered in the rating of all project applications. Administrative costs are allowable only within the funding levels and limitations specified in this announcement.

Applicants will not be funded for more than their demonstrated need, as specifically addressed in 25 CFR 23.24 and 23.25 and based upon prior service records of the applicant. Examples of necessary data include the number of actual or estimated Indian family breakups, and the number of persons who will receive direct services from any portion of the proposed program.

In accordance with 25 CFR 23.27(c)(3), if an applicant has been a grantee during the preceding fiscal year, the applicant must include a copy of a satisfactory annual program evaluation from the area office along with all other materials required in this subsection.

Minimum standards for receiving a satisfactory program evaluation from the area office include the timely submission of all fiscal and programmatic reports, as well as utilization of the corrective action form when programmatic improvements are necessary.

Part III. Application Selection Criteria

A. Statutory Authority

The BIA's Indian Child Welfare Act grants program is authorized by Title II of Public Law 95–608, the Indian Child Welfare Act (25 U.S.C. 1901 et seq., 25 CFR part 23). All grant applications submitted under this announcement shall be scored individually and recommended for grant awards in accordance with the applicable selection criteria specified at 25 CFR, parts 23.24; 23.25; 23.26; 23.27; 23.28; and 23.31.

B. Closing Date for Receipt of Applications For All Single-Year Applications

The closing date for receipt of all single-year applications under this program announcement is the close of business on May 28, 1993, for all applicants. All applications for Indian Child Welfare Act grants must be received by social services staff in the appropriate BIA area office, as specified in 25 CFR 23.28; on or before 4:15 p.m. or the official close of business for that office on the closing date of the application period. Postmarks will not be considered as meeting the deadline. The names and addresses of each BIA area social worker are listed at the end of this announcement. Hand-delivered applications will be accepted during normal working hours Monday through Friday. Applications which do not meet the deadline criterion will be considered late applications, and will not be considered in the competition.

C. Mandatory Application Requirements For all Applicants

The grant application shall be no longer than 40 pages, double spaced, excluding the appendix. The table of contents and appendices will not be counted toward the maximum length. It is recommended that the appendix be no longer than 20 pages. If an application is longer then the established page limitation, only the first 40 pages will be reviewed. All applicants must submit one original application and three copies of the complete application, a completed Standard Form 424, and the following narrative information to the appropriate BIA area office:

(1) Name and address of Indian organization applying for a grant;
(2) Descriptive name of project;
(3) Amount of ICWA grant funds requested;
(4) The unduplicated client service population directly benefiting from the project;
(5) Beginning date;
(6) Proposed budget categories and budget narrative justification;
(7) Narrative description of the proposed program;
(8) Certification or evidence of request from the current board of directors of an Indian organization, covering the duration of the proposed project;
(9) Name and address of the BIA office to which an application is submitted; and
(10) Date application is submitted to the BIA.

In addition to the foregoing requirements, existing ICWA grantees must submit a copy of a satisfactory program evaluation for the current year of operation from the appropriate area office in order to be considered for funding in FY 1993 (25 CFR 23.27(c)(3)).

Grantees must comply with the following applicable Federal financial and performance reporting requirements: OMB Circulars A–87, A–102, A–110, A–122, or A–128. Failure to meet and comply with regulatory requirements may result in suspension, cancellation and/or termination of program funds. Information included in the appendix should relate specifically to the application. The appendix may include, but is not limited to the following: Resolutions, support letters, position descriptions, current/recent fiscal management/accounting certification, operational monitoring systems, and non-profit status documentation.

D. Evaluation Criteria for Grant Applications

The content of the application and the following factors will be considered in the competitive review of grant applications:

(1) The degree to which the applicant demonstrates in the narrative an understanding of the social service problems or issues impacting the client population which the applicant proposes to serve. (If an applicant identifies alcohol and/or drug abuse as a major problem or issue impacting Indian children and families, they must also clearly address current efforts to coordinate existing resources to address such problems.)

(2) The degree to which, and the methods by which the applicant intends to fulfill the purpose of the grant, and specifically relates the goals and objectives of the program to the issues and problems impacting the client population.

(3) Whether the applicant presents narrative description, quantitative data and demographics of the client population to be served. Examples of such data include:

(a) The number of actual or estimated Indian child placements outside the home;

(b) The number of actual or estimated Indian family breakups; and

(c) The need for a directly related prevention program. (Refer to Part I for further explanation.)

(4) The relative accessibility which the Indian population to be served under a specific proposal already has to existing child and family service programs emphasizing the prevention of Indian family breakup. Factors to be considered in determining accessibility include:

(a) Cultural barriers;

(b) Discrimination against Indians;

(c) Inability of potential Indian clientele to pay for services;

(d) Lack of programs which provide free services to indigent families;

(e) Technical barriers created by existing public or private programs;

(f) Availability of transportation to existing programs;

(g) Distance between the Indian community to be served under the proposal and the nearest existing programs;

(h) Quality of services provided to Indian clientele; and

(i) Relevance of services provided to the specific needs of Indian clientele.

(5) The proper and adequate justification of the extent to which the proposed program would duplicate any existing child and family service program that emphasizes the prevention of family breakup, taking into consideration all factors listed in paragraphs (1), (2), (3), and (4) of this section. Proper and adequate justification must be given for any duplication of services.

(6) Evidence of substantial community support for the proposed program from the Indian community or communities to be served. Such support may be evidenced by:

(a) Letters of support from individuals and families to be served;

(b) Letters from local social services-related agencies familiar with the applicant's past work experience;

(7) An explanation of proposed facilities and of the organizational structure of the Indian organization requesting grant funds, and a position description of all positions to be funded with grant funds, identifying qualifications, responsibilities, and lines of supervision. Pursuant to the Indian Child Protection and Family Violence Prevention Act, Public Law 101–630 (25 U.S.C. 3201 et. seq.), all grantees shall conduct character and background investigations of those personnel identified in that statute.

(8) The reasonableness and relevance of the estimated costs of the proposed program or service.

An application shall not receive a preliminary approval unless a review of the application determines that it:

(a) Contains all the information required in "C. Mandatory Application Requirements For all Applicants;" and

(b) Receives a minimum score of 75 points in a competitive review and scoring process, using the selection criteria established in regulation.

If an applicant has been a grantee during the year immediately preceding the year for which an application is being made, copies of satisfactory program evaluations for the current program must be provided by the area office in addition to the other materials required in this subsection.

F. Grant Review and Award Process

The Assistant Secretary—Indian Affairs or his/her designated representative shall select for grants under the Indian Child Welfare Act, those proposals which will in his/her judgment best promote the purposes of the Act. Such selection will be made through a competitive review process in which each application will be scored individually using the BIA review criteria listed above. Reviews will be conducted by the appropriate BIA area office in accordance with 25 CFR 23.31. Grant applications will be reviewed by a panel of reviewers qualified by training and/or experience in human services to Indian populations. The reviewers' recommendations will be used by the Assistant Secretary—Indian Affairs' designated representative to preliminarily approve or disapprove all grant applications, and make funding recommendations to the Central Office. The funding of approved applications shall be in accordance with the funding levels published under this grant announcement (25 CFR 23.27(e)(1)) and shall be based on demonstrated need and the availability of funds. The Assistant Secretary—Indian Affairs has final funding authority. No new multi-year grant applications shall be considered for funding in the FY 1993 application period.

G. Appeals

In accordance with 25 CFR parts 2.20(c) and 23.63, the Assistant Secretary—Indian Affairs has made a determination to assume administrative jurisdiction over all Fiscal Year 1993 Indian Child Welfare Act grant application appeals.

Notices of appeal must be filed within 30 days of the appellant's receipt of the decision being appealed. The notice is filed in the office of the official whose decision is being appealed. The date of filing is the date the notice of appeal is postmarked or the date it is personally delivered to the official's immediate office (25 CFR 2.9(a) and 2.13(a)). No extension of time will be granted for filing a notice of appeal (25 CFR 2.9(a) and 2.16).

Within 30 days of the filing of the notice of appeal, a statement of reasons must be filed in the office of the official whose decision is being appealed. The statement of reasons may, however, be included in or filed with the notice of appeal (25 CFR 2.10). The Assistant Secretary—Indian Affairs shall take action and render a final decision for the Department in accordance with the provisions required in 25 CFR 2.20.

The Central Office will retain a small percentage of the total available funding to assure funding for any appellant who may successfully appeal a denial at the area office level. If these funds are not expended for appeals, they will be distributed to the area offices to fund approved applications.

Part IV. BIA Area Offices—Area Social Workers

All application materials may be submitted in person or mailed to the Bureau of Indian Affairs in care of the appropriate area office. The following is a listing of the 12 BIA area offices. Applicants who choose to submit their proposals by overnight mail or other special delivery service are advised to determine if additional address information is required to expedite timely delivery.

Aberdeen Area Office: Peggy Davis, Area Social Worker; 115 4th Avenue, SE., Aberdeen, SD 57401; 601/226–7351.

Albuquerque Area Office: Joseph Naranjo, Area Social Worker; 615 1st Street, P.O. Box 26567, Albuquerque, NM 87125–6567; 505/766–3321/3322.

Anadarko Area Office: Retha Murdock, Area Social Worker; 1¼ mile North Highway 281, P.O. Box 368, WCD Office Complex, Anardarko, OK 73005; 405/247–6673.

Billings Area Office: Louise Zokan-Delos Reyes, Area Social Worker; 316 North 26th Street, Billings, MT 59101; 406/657–6651.

Eastern Area Office: Evelyn Roanhorse, Area Social Worker; 3701 N. Fairfax Drive, suite 260, Arlington, VA 22201; 703/235–2353.

Juneau Area Office: Jimmie Clemmons, Area Social Worker; 9109 Menden Hall Mall Road, Juneau, AK 99801; 907/586–7628.

Minneapolis Area Office: Rosalie Clark, Area Social Worker; Chamber of

Commerce Building, 331 South Second Avenue, Minneapolis, MN 55401; 612/373–1182/1183.

Muskogee Area Office: Alice A. Allen, Area Social Worker; Federal Courthouse Building, 101 N. Fifth St., Muskogee, OK 74401; 918/687–2507.

Navajo Area Office: Vivian Hailstorm, Area Social Worker; P.O. Box 1060, MC–440, Gallup, NM 87301; 602/871–5151.

Phoenix Area Office: Stephen Lacy, Acting Area Social Worker; 1 North First Street, P.O. Box 10, Phoenix, AZ 85001; 602/379–6785.

Portland Area Office: Robert C. Carr, Area Social Worker; Federal Building, 911 N.E. 11th Avenue, Portland, OR 97232–4169; 503/231–6783/6785.

Sacramento Area Office: Kevin Sanders, Area Social Worker; Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825; 916/978–4705.

Dated: April 12, 1993.

Stan Speaks,

Acting Assistant Secretary—Indian Affairs.

[FR Doc. 93–9103 Filed 4–16–93; 8:45 am]

BILLING CODE 4310–02–M

Reader Aids

Federal Register

Vol. 58, No. 73

Monday, April 19, 1993

INFORMATION AND ASSISTANCE

FEDERAL REGISTER PAGES AND DATES, APRIL

CFR PARTS AFFECTED DURING APRIL

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last List April 16, 1992

ELECTRONIC BULLETIN BOARD

Free **Electronic Bulletin Board** service for Public Law numbers, Federal Register finding aids, and a list of Clinton Administration officials is available on 202–275–1538 or 275–0920.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $775.00 domestic, $193.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250-7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at (202) 783-3238 from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to (202) 512-2233.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869-019-00001-1)	$15.00	Jan. 1, 1993
3 (1991 Compilation and Parts 100 and 101)	(869-017-00002-7)	17.00	[1] Jan. 1, 1992
4	(869-019-00003-8)	5.50	Jan. 1, 1993
5 Parts:			
*1-699	(869-019-00004-6)	21.00	Jan. 1, 1993
700-1199	(869-019-00005-4)	17.00	Jan. 1, 1993
1200-End, 6 (6 Reserved)	(869-019-00006-2)	21.00	Jan. 1, 1993
7 Parts:			
0-26	(869-017-00007-8)	17.00	Jan. 1, 1992
27-45	(869-019-00008-9)	13.00	Jan. 1, 1993
46-51	(869-017-00009-4)	18.00	Jan. 1, 1992
52	(869-019-00010-1)	28.00	Jan. 1, 1993
53-209	(869-017-00011-6)	19.00	Jan. 1, 1992
210-299	(869-017-00012-4)	26.00	Jan. 1, 1992
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400-699	(869-019-00014-3)	17.00	Jan. 1, 1993
700-899	(869-019-00015-1)	21.00	Jan. 1, 1993
900-999	(869-019-00016-0)	33.00	Jan. 1, 1993
1000-1059	(869-019-00017-8)	20.00	Jan. 1, 1993
1060-1119	(869-019-00018-6)	13.00	Jan. 1, 1993
1120-1199	(869-017-00019-1)	9.50	Jan. 1, 1992
1200-1499	(869-019-00020-8)	27.00	Jan. 1, 1993
1500-1899	(869-019-00021-6)	17.00	Jan. 1, 1993
*1900-1939	(869-019-00022-4)	13.00	Jan. 1, 1993
1940-1949	(869-017-00023-0)	23.00	Jan. 1, 1992
1950-1999	(869-017-00024-8)	26.00	Jan. 1, 1992
2000-End	(869-019-00025-9)	12.00	Jan. 1, 1993
*8	(869-019-00026-7)	20.00	Jan. 1, 1993
9 Parts:			
1-199	(869-019-00027-5)	27.00	Jan. 1, 1993
200-End	(869-019-00028-3)	21.00	Jan. 1, 1993
10 Parts:			
0-50	(869-019-00029-1)	29.00	Jan. 1, 1993
*51-199	(869-019-00030-5)	21.00	Jan. 1, 1993
200-399	(869-019-00031-3)	15.00	Jan. 1, 1993
400-499	(869-019-00032-1)	20.00	Jan. 1, 1993
500-End	(869-017-00033-7)	28.00	Jan. 1, 1992
11	(869-017-00034-5)	12.00	Jan. 1, 1992
12 Parts:			
*1-199	(869-019-00035-6)	11.00	Jan. 1, 1993
200-219	(869-017-00036-1)	13.00	Jan. 1, 1992
220-299	(869-017-00037-0)	22.00	Jan. 1, 1992
300-499	(869-017-00038-8)	18.00	Jan. 1, 1992
500-599	(869-019-00039-9)	19.00	Jan. 1, 1993
600-End	(869-019-00040-2)	28.00	Jan. 1, 1993
13	(869-017-00041-8)	25.00	Jan. 1, 1992
14 Parts:			
1-59	(869-019-00042-9)	29.00	Jan. 1, 1993
60-139	(869-017-00043-4)	22.00	Jan. 1, 1992
140-199	(869-019-00044-5)	12.00	Jan. 1, 1993
200-1199	(869-019-00045-3)	22.00	Jan. 1, 1993
1200-End	(869-019-00046-1)	16.00	Jan. 1, 1993
15 Parts:			
0-299	(869-019-00047-0)	14.00	Jan. 1, 1993
300-799	(869-019-00048-8)	25.00	Jan. 1, 1993
800-End	(869-017-00049-3)	17.00	Jan. 1, 1992
16 Parts:			
0-149	(869-019-00050-0)	7.00	Jan. 1, 1993
150-999	(869-017-00051-5)	14.00	Jan. 1, 1992
1000-End	(869-017-00052-3)	20.00	Jan. 1, 1992
17 Parts:			
1-199	(869-017-00054-0)	15.00	Apr. 1, 1992
200-239	(869-017-00055-8)	17.00	Apr. 1, 1992
240-End	(869-017-00056-6)	24.00	Apr. 1, 1992
18 Parts:			
1-149	(869-017-00057-4)	16.00	Apr. 1, 1992
150-279	(869-017-00058-2)	19.00	Apr. 1, 1992
280-399	(869-017-00059-1)	14.00	Apr. 1, 1992
400-End	(869-017-00060-4)	9.50	Apr. 1, 1992
19 Parts:			
1-199	(869-017-00061-2)	28.00	Apr. 1, 1992
200-End	(869-017-00062-1)	9.50	Apr. 1, 1992
20 Parts:			
1-399	(869-017-00063-9)	16.00	Apr. 1, 1992
400-499	(869-017-00064-7)	31.00	Apr. 1, 1992
500-End	(869-017-00065-5)	21.00	Apr. 1, 1992
21 Parts:			
1-99	(869-017-00066-3)	13.00	Apr. 1, 1992
100-169	(869-017-00067-1)	14.00	Apr. 1, 1992
170-199	(869-017-00068-0)	18.00	Apr. 1, 1992
200-299	(869-017-00069-8)	5.50	Apr. 1, 1992
300-499	(869-017-00070-1)	29.00	Apr. 1, 1992
500-599	(869-017-00071-0)	21.00	Apr. 1, 1992
600-799	(869-017-00072-8)	7.00	Apr. 1, 1992
800-1299	(869-017-00073-6)	18.00	Apr. 1, 1992
1300-End	(869-017-00074-4)	9.00	Apr. 1, 1992
22 Parts:			
1-299	(869-017-00075-2)	26.00	Apr. 1, 1992
300-End	(869-017-00076-1)	19.00	Apr. 1, 1992
23	(869-017-00077-9)	18.00	Apr. 1, 1992
24 Parts:			
0-199	(869-017-00078-7)	34.00	Apr. 1, 1992
200-499	(869-017-00079-5)	32.00	Apr. 1, 1992
500-699	(869-017-00080-9)	13.00	Apr. 1, 1992
700-1699	(869-017-00081-7)	34.00	Apr. 1, 1992
1700-End	(869-017-00082-5)	13.00	Apr. 1, 1992
25	(869-017-00083-3)	25.00	Apr. 1, 1992
26 Parts:			
§§ 1.0-1-1.60	(869-017-00084-1)	17.00	Apr. 1, 1992
§§ 1.61-1.169	(869-017-00085-0)	33.00	Apr. 1, 1992
§§ 1.170-1.300	(869-017-00086-8)	19.00	Apr. 1, 1992
§§ 1.301-1.400	(869-017-00087-6)	17.00	Apr. 1, 1992
§§ 1.401-1.500	(869-017-00088-4)	38.00	Apr. 1, 1992
§§ 1.501-1.640	(869-017-00089-2)	19.00	Apr. 1, 1992
§§ 1.641-1.850	(869-017-00090-6)	19.00	Apr. 1, 1992
§§ 1.851-1.907	(869-017-00091-4)	23.00	Apr. 1, 1992
§§ 1.908-1.1000	(869-017-00092-2)	26.00	Apr. 1, 1992
§§ 1.1001-1.1400	(869-017-00093-1)	19.00	Apr. 1, 1992
§§ 1.1401-End	(869-017-00094-9)	26.00	Apr. 1, 1992
2-29	(869-017-00095-7)	22.00	Apr. 1, 1992
30-39	(869-017-00096-5)	15.00	Apr. 1, 1992
40-49	(869-017-00097-3)	12.00	Apr. 1, 1992
50-299	(869-017-00098-1)	15.00	Apr. 1, 1992
300-499	(869-017-00099-0)	20.00	Apr. 1, 1992
500-599	(869-017-00100-7)	6.00	[4] Apr. 1, 1990
600-End	(869-017-00101-5)	6.50	Apr. 1, 1992

Title	Stock Number	Price	Revision Date
27 Parts:			
1-199	(869-017-00102-3)	34.00	Apr. 1, 1992
200-End	(869-017-00103-1)	11.00	[5] Apr. 1, 1991
28	(869-017-00104-0)	37.00	July 1, 1992
29 Parts:			
0-99	(869-017-00105-8)	19.00	July 1, 1992
100-499	(869-013-00106-6)	9.00	July 1, 1992
500-899	(869-017-00107-4)	32.00	July 1, 1992
900-1899	(869-017-00108-2)	16.00	July 1, 1992
1900-1910 (§§ 1901.1 to 1910.999)	(869-017-00109-1)	29.00	July 1, 1992
1910 (§§ 1910.1000 to end)	(869-017-00110-4)	16.00	July 1, 1992
1911-1925	(869-017-00111-2)	9.00	[6] July 1, 1989
1926	(869-017-00112-1)	14.00	July 1, 1992
1927-End	(869-017-00113-9)	30.00	July 1, 1992
30 Parts:			
1-199	(869-017-00114-7)	25.00	July 1, 1992
200-699	(869-017-00115-5)	19.00	July 1, 1992
700-End	(869-017-00116-3)	25.00	July 1, 1992
31 Parts:			
0-199	(869-017-00117-1)	17.00	July 1, 1992
200-End	(869-017-00118-0)	25.00	July 1, 1992
32 Parts:			
1-39, Vol. I		15.00	[2] July 1, 1984
1-39, Vol. II		19.00	[2] July 1, 1984
1-39, Vol. III		18.00	[2] July 1, 1984
1-189	(869-017-00119-8)	30.00	July 1, 1992
190-399	(869-017-00120-1)	33.00	July 1, 1992
400-629	(869-017-00121-0)	29.00	July 1, 1992
630-699	(869-017-00122-8)	14.00	[7] July 1, 1991
700-799	(869-017-00123-6)	20.00	July 1, 1992
800-End	(869-017-00124-4)	20.00	July 1, 1992
33 Parts:			
1-124	(869-017-00125-2)	18.00	July 1, 1992
125-199	(869-017-00126-1)	21.00	July 1, 1992
200-End	(869-017-00127-9)	23.00	July 1, 1992
34 Parts:			
1-299	(869-017-00128-7)	27.00	July 1, 1992
300-399	(869-017-00129-5)	19.00	July 1, 1992
400-End	(869-017-00130-9)	32.00	July 1, 1992
35	(869-017-00131-7)	12.00	July 1, 1992
36 Parts:			
1-199	(869-017-00132-5)	15.00	July 1, 1992
200-End	(869-017-00133-3)	32.00	July 1, 1992
37	(869-017-00134-1)	17.00	July 1, 1992
38 Parts:			
0-17	(869-017-00135-0)	28.00	Sept 1, 1992
18-End	(869-017-00136-8)	28.00	Sept. 1, 1992
39	(869-017-00137-6)	16.00	July 1, 1992
40 Parts:			
1-51	(869-017-00138-4)	31.00	July 1, 1992
52	(869-017-00139-2)	33.00	July 1, 1992
53-60	(869-017-00140-6)	36.00	July 1, 1992
61-80	(869-017-00141-4)	16.00	July 1, 1992
81-85	(869-017-00142-2)	17.00	July 1, 1992
86-99	(869-017-00143-1)	33.00	July 1, 1992
100-149	(869-017-00144-9)	34.00	July 1, 1992
150-189	(869-017-00145-7)	21.00	July 1, 1992
190-259	(869-017-00146-5)	16.00	July 1, 1992
260-299	(869-017-00147-3)	36.00	July 1, 1992
300-399	(869-017-00148-1)	15.00	July 1, 1992
400-424	(869-017-00149-0)	26.00	July 1, 1992
425-699	(869-017-00150-3)	26.00	July 1, 1992
700-789	(869-017-00151-1)	23.00	July 1, 1992
790-End	(869-017-00152-0)	25.00	July 1, 1992
41 Chapters:			
1, 1-1 to 1-10		13.00	[3] July 1, 1984
1, 1-11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3-6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10-17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1-5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6-19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20-52		13.00	[3] July 1, 1984
19-100		13.00	[3] July 1, 1984
1-100	(869-017-00153-8)	9.50	July 1, 1992
101	(869-017-00154-6)	28.00	July 1, 1992
102-200	(869-017-00155-4)	11.00	[7] July 1, 1991
201-End	(869-017-00156-2)	11.00	July 1, 1992
42 Parts:			
1-399	(869-017-00157-1)	23.00	Oct. 1, 1992
400-429	(869-017-00158-9)	23.00	Oct. 1, 1992
430-End	(869-017-00159-7)	31.00	Oct. 1, 1992
43 Parts:			
1-999	(869-017-00160-1)	22.00	Oct. 1, 1992
1000-3999	(869-017-00161-9)	30.00	Oct. 1, 1992
4000-End	(869-017-00162-7)	13.00	Oct. 1, 1992
44	(869-017-00163-5)	26.00	Oct. 1, 1992
45 Parts:			
1-199	(869-017-00164-3)	20.00	Oct. 1, 1992
200-499	(869-017-00165-1)	14.00	Oct. 1, 1992
500-1199	(869-017-00166-0)	30.00	Oct. 1, 1992
1200-End	(869-017-00167-8)	20.00	Oct. 1, 1992
46 Parts:			
1-40	(869-017-00168-6)	17.00	Oct. 1, 1992
41-69	(869-017-00169-4)	16.00	Oct. 1, 1992
70-89	(869-017-00170-8)	8.00	Oct. 1, 1992
90-139	(869-017-00171-6)	14.00	Oct. 1, 1992
140-155	(869-017-00172-4)	12.00	Oct. 1, 1992
156-165	(869-017-00173-2)	14.00	[8] Oct. 1, 1991
166-199	(869-017-00174-1)	17.00	Oct. 1, 1992
200-499	(869-017-00175-9)	22.00	Oct. 1, 1992
500-End	(869-017-00176-7)	14.00	Oct. 1, 1992
47 Parts:			
0-19	(869-017-00177-5)	22.00	Oct. 1, 1992
20-39	(869-017-00178-3)	22.00	Oct. 1, 1992
40-69	(869-017-00179-1)	12.00	Oct. 1, 1992
70-79	(869-017-00180-5)	21.00	Oct. 1, 1992
80-End	(869-017-00181-3)	24.00	Oct. 1, 1992
48 Chapters:			
1 (Parts 1-51)	(869-017-00182-1)	34.00	Oct. 1, 1992
1 (Parts 52-99)	(869-017-00183-0)	22.00	Oct. 1, 1992
2 (Parts 201-251)	(869-017-00184-8)	15.00	Oct. 1, 1992
2 (Parts 252-299)	(869-017-00185-6)	12.00	Oct. 1, 1992
3-6	(869-017-00186-4)	22.00	Oct. 1, 1992
7-14	(869-017-00187-2)	30.00	Oct. 1, 1992
15-28	(869-017-00188-1)	26.00	Oct. 1, 1992
29-End	(869-017-00189-9)	16.00	Oct. 1, 1992
49 Parts:			
1-99	(869-017-00190-2)	22.00	Oct. 1, 1992
100-177	(869-017-00191-1)	27.00	Oct. 1, 1992
178-199	(869-017-00192-9)	19.00	Oct. 1, 1992
200-399	(869-017-00193-7)	27.00	Oct. 1, 1992
400-999	(869-017-00194-5)	31.00	Oct. 1, 1992
1000-1199	(869-017-00195-3)	19.00	Oct. 1, 1992
1200-End	(869-017-00196-1)	21.00	Oct. 1, 1992
50 Parts:			
1-199	(869-017-00197-0)	23.00	Oct. 1, 1992
200-599	(869-017-00198-8)	20.00	Oct. 1, 1992
600-End	(869-017-00199-6)	20.00	Oct. 1, 1992
CFR Index and Findings Aids	(869-019-00053-4)	36.00	Jan. 1, 1993
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1991 to Mar. 30, 1992. The CFR volume issued April 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1992. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1992. The CFR volume issued July 1, 1991, should be retained.

[8] No amendments to this volume were promulgated during the period October 1, 1991 to September 30, 1992. The CFR volume issued October 1, 1991, should be retained.